

Dr. Ambedkar as Member of the Governor-General's Executive Council

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26

Lifting of Ban on Employment of Women on Underground Work in Coal Mines

The Honourable Dr. B. R. Ambedkar (Labour Member) : Sir, I am happy that our Lady Member thought it fit to bring forth this adjournment motion. I am glad because it gives me an opportunity to explain to the House a matter which has been weighing very heavily on my mind. I do like to say at the very outset in order that the house may understand my feelings in the matter that I do regard this decision of the Government of India as a great misfortune. I am not happy about it. All that I am saying is that given the circumstances in which the Government of India was forced, I do not regard that this is a mistake on our part. I think the House will understand the distinction that I am

making.

The debate to which I have listened has rather impressed me that the lines on which most of the Honourable Members have spoken have been mostly of a humanitarian character. They have been, in my humble judgement, greatly removed from what I would call the plane of reality. And when I speak in this debate, I propose to stick to what I call the realism of the situation. I would also like to say that many points have been brought in during the course of the debate as though they were the points on which the decision of the House was called for. I would particularly say that reference was made to the wages prevalent in the coal mines. Reference was also made to the prevalence of unfair welfare conditions in the coal mines and I shall have something to say about them in the course of the observations that I will make. But I think I am justified in saying that having regard to the terms of the motion, these are the incidental matters and not matters on which the House is called upon to record its judgement.

Having made these preliminary observations, the first point that I would like to make is that some Honourable Members have given to me the impression that the Government of India was never serious with regard to this convention of preventing women working underground to which they had given their consent in the year 1939 and had within four years withdrawn from it. Sir, I would like to make a few observations on the point in order to put the matter in the right perspective. The House will recall that the Government of India had accepted the principle of prohibiting women working underground long before the Convention came into existence. The matter, so far as my study of it goes, was first debated in the year 1923 when the Government of India brought in a Bill for the amendment of the Indian Coal Mines Act. I would like to remind the house that the original purpose of the Bill was very limited one. It was a purpose merely to introduce safety measures in coal mines, but when the measure was taken to the Select Committee, the Select Committee in its judgement thought that the Government of India ought to go forward and take a bold step and claim powers in the Act in order to prohibit the working of women underground. In the Select Committee the Government of India accepted the principle. Not only did the Government of India accept the principle but they framed regulations with the definite and deliberate object of eliminating women labour from working underground. As the House will know, the Government of India had laid down a definite programme of annual decrease in women underground. So much so, that two years before the ratification took place in this house, we had, under the policy of the Government of India, no woman labour working in the mines at all. Sir, that fact was referred to by the Honourable the Mover of the Motion. But I was sorry to find that she did not draw the obvious inference which I think I may legitimately draw that the Government of India, long before the convention came into existence, has been very definitely of the opinion that women

should not work in the mines and has taken definite steps to bring that state of situation to a close.

The Government of India has been blamed for lifting the ban now on the supposed ground that there has been no justification. I must confess that I was rather surprised at a statement of that kind. Sir, I would like to point out to the House two considerations, and I would beg of the House to consider whether the two points that I am placing before them do not constitute what I regard as an emergency. Sir, the lifting of the ban on women working underground has a direct reference to coal. That is an indisputable fact. I would like the Honourable members of the House to consider whether coal could not be called a strategic material from every point of view. I ask the House to consider whether it is not a strategic material from the standpoint of the industry, I would ask the House to consider whether it is not a strategic material from the standpoint of transport, whether it is not a strategic material from the point of civil consumption. We are not dealing, I want to emphasise this fact, with an article the use of which we could avoid at our option. It is a thing which we must have, and I submit it is a thing which we must have before we have food or before we have anything else. That is one point I want the House to consider. The second point that I want the House to consider is this. Would it have been possible for the Government of India to wait until the situation had righted out itself. I know very well, as most Honourable Members know, that coal would have been produced in the ordinary course. It may not have been produced in 1943, it may not have been produced in 1944, but it may have been produced in 1945. But the question which I would like the House to consider is this : is it a case in which we could wait ? Is it a case in which we could allow the natural course of things to take its place ? Sir, I make bold to say that this is one of those cases which is of such urgent and immediate importance that steps may be taken and a Government which does not take the steps to right the situation immediately is not a Government worthy of its name. Therefore, let us not forget that we are dealing with an emergency and the lifting of the prohibition from allowing women to work underground is not an idle act or a wanton act on the part of the Government, but is an act which is amply justified by the facts and circumstances of the case. Therefore, Sir, the conduct of the Government must be judged in the light of the emergency. I would request Honourable Members to judge the conduct of the Government in the light of these two circumstances only. Has the Government failed to do something which it ought to have done ? Has the Government done something which it was needless for it to do? My submission is that judging it in the light of these two considerations which I have mentioned, I have no hesitation in saying that the Government's action is perfectly justified.

My Honourable friend, Mr. Joshi, said that this was a convention which could not have been broken. I agree that it is one of those conventions which

does not contain a clause for its own suspension. But I have no hesitation in saying that every nation has got a right to break an international convention or an international treaty under certain circumstances. That has been a well established principle of international law. I am glad to say that in the debate that took place at Geneva in 1940, in the Governing Body, that was more or less the general opinion. Sir, could we have avoided taking steps that we have taken ? I should like to detail to the House some of the circumstances which have led the Government to take this measure. There is not the slightest doubt that shortage of coal was due to shortage of labour. That is circumstance, which I think, is beyond dispute. Now, Sir, the shortage of labour was due, according to the examination which Government made to three causes. First of all, there was the grow-more-food campaign started by the Government of India. There was the opportunity of increased employment on military works. Any one who dispassionately considers employment in coal mines as against the results of the grow-more-food campaign and the increased opportunities for employment in military works can well understand why there should have been shortage of labour in coal mines. Sir, it is quite clear that in the present circumstances, where prices of foodgrains are rising so rapidly, the grow-more-food policy should attract people to agriculture. If people who have been working in coal mines and who, as every one knows, are purely agriculturists, if they are drawn to grow-more food policy, it would be a matter of no surprise. Similarly, the military works with their increased earnings attract these people. But, Sir, there is one other circumstance which although I know that some Honourable Members who have spoken have made very light of it, is nonc-the-less a reality. In the first place, it is quite clear to every one that work under coal mines is the most uncongenial work, even dangerous. Nobody likes it and any workman who finds an opportunity to work on the surface is bound to take the earliest opportunity to leave the coal mines. The grow-more-food campaign and the military works are those works which provide an opportunity to the coal miner to obtain what I call less dangerous and more congenial piece of work. The second thing is, I will repeat it again, that both in the grow-more-food campaign as well as in the military works, the coal miner has the advantage of both earning himself and also having an earning for other members of his family.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has one minute more.

The Honourable Dr. B. R. Ambedkar: I am sorry. Sir.

Mr. President (The Honourable Sir Abdur Rahim) : I have no discretion in the matter. The Honourable Member should conclude.

The Honourable Dr. B. R. Ambedkar : That being so. Sir, there has been a shortage of labour.

I should like to refer to two other points which I think it would be necessary for the House to take into consideration. The first thing is that Government

have certainly not gone headlong in this matter as though it was a matter of no consequence. I should like to tell the House that Government have proceeded with great caution. Its first notification applied only to the C. P. and did not apply to the whole of the coal area. It was in November that Government thought that a case had arisen for extending the notification to Bengal and Bihar, and it was only in December that Government extended the notification to Orissa. We have also taken care to see, and this is an important point, that women shall be paid the same wages as men. **It is for the first time that I think in any industry the principle has been established of equal pay for equal work irrespective of the sex.** We have also taken care that women shall not be required to work in a gallery which is less than 5 1/2 feet. The House will also remember that these notifications are of a very temporary character, and I want to emphasise this point. We have not said that these notifications will last during the period of the war; we have kept the matter absolutely fluid; we are in a position to revoke them at any time that we like and that we can. And I should like to tell the House that we regard this as a purely emergency and temporary measure. We are also doing one other thing in order to shorten the period of the notification. For instance, we are instituting a labour camp where we are recruiting male labourers to be sent to the coal mines. We are taking another measure in order to shorten this period, namely, to employ what we call Labour Supply Committees in order to furnish the contractors who are working on military works for labour so that workers will be released for coal mines.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member's time is up.

The Honourable Dr. B. R. Ambedkar : Sir, if you will give me one minute.....

Mr. President (The Honourable Sir Abdur Rahim) : I am afraid I cannot. The rule is somewhat peremptory.

The Honourable Dr. B. R. Ambedkar : The House will therefore see that this is a purely emergency measure and Government have no intention of continuing if a minute longer than the necessities of the case require.

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The Coal Mines Safety (Stowing) Amendment Bill

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I move:

" That the Bill further to amend the Coal Mines Safety (Stowing) Act, 1939, be taken into consideration."

Sir, this Bill seeks to make certain amendments to the Coal Mines Safety (Stowing) Act of 1939. As Honourable Members of the House will remember the Coal Mines Act was passed in 1939. It created a body called the Stowing Board. The function of the Board was principally to administer the fund which is raised by the levy on coal and coke and to spend it on the stowing of coal mines in order to prevent Fires in the mines. In the course of the

administration of this Act, it has been found that there are certain defects which need to be remedied. This Bill proposes to deal only with three of such questions because it has been found that they are the most urgent and need immediate attention. Of these three questions, the first question is the one which relates to the amendment of section 8. The House will remember that section 8 deals with the functions of the Board and prescribes the object on which the money arising out of this fund could be spent. Section 8 permits the Board to spend money to meet the expenses of the administration. Secondly, it allows the Board to grant stowing materials and other assistance to owners or agents and managers of coal mines for stowing operation. Section 3 permits the Board to execute other operations in furtherance of the objects of the Act, and fourthly, it permits the Board to spend money on research work connected with stowing. It has been found that section 8 does not make any provision for permitting the Board to spend money on stowing operations undertaken by itself. This, it is found, is a great lacuna. It is necessary in the opinion of the experts that such a power should be given to the Board and consequently the first amendment which clause 2 of the Bill proposes to make is to alter the wording of sub-clause (iii) of clause (1) of section 8, by permitting the Board to undertake stowing directly by itself and to spend money on that purpose out of the fund which it controls. The second amendment to the Bill relates to section 10. Section 9, sub-clause (3) of the Coal Mines Safety (Stowing) Act permits the Chief Inspector of Mines to issue an order on the owner or the agent of a coal mine, and to require him to take such protective measures as may be necessary in the interest of the safety of coal. Section 10 of the Act makes such an order an appealable order, but it has been found that while the order issued by the Coal Mining expert or the Inspector is an appealable order, there is no provision made in the Act to permit the owner to go to the appellate body and obtain stay or execution of the order issued against him by the Inspector of Coal Mines. It has been suggested that this is an unfortunate provision, that there should be a right of appeal, but there should not be a provision for the stay of execution of the original order. This lacuna is sought to be removed by the addition of a proviso to section 10 of the present Act and this is done by clause 3 of the present Bill. The third amendment which is sought to be made in the Act relates to the question whether the Board should or should not have authority to undertake stowing by itself. Stowing is an important function. Its purpose is to save coal which otherwise is likely to bum away. It has been found that there are some mines which are abandoned, over which there is nobody to exercise any control, and most persons, it has been found, very easily abandon mines whenever they find that the coal underneath has taken fire. There are cases where the ownership of a mine is in dispute or where the owner is not in a position to undertake stowing operations himself. Consequently in such cases there is nobody on whom the liability for stowing

could be imposed nor is there anybody on whom an order could be served. To avoid such a situation, it is felt that power must be given to the Board in order that the Board might itself undertake the work of stowing. Incidentally, if the Board is to perform such a task it must also be given the power to enter upon the land which is the property of the mine owner. This is sought to be done by a new clause which is 10-A, and it gives power to the Board to undertake the stowing and also to have the power to enter upon the premises.

The Bill is a very simple measure and I do not think it needs any more explanation than I have given. It is a non-controversial measure and I hope the House will accept it. Sir, I move.

* * *

The Honourable Dr. B. R. Ambedkar: Sir, I move:

" That the Bill be passed."

I should like to take this opportunity to explain the point of view of Government with regard to certain points that have been raised by my Honourable friends. With regard to the point made by my Honourable friend, Mr. Miller, that Government have been getting into the habit of putting forth these Bills without sufficient notice what I should like to say is this. It is of course not possible for me, speaking individually, to bind Government as to the precise sort of action that Government ought to take with regard to these Bills. But with regard to the present measure I should like to say that I do not think that Government can be accused of being in a position of rushing the Bill through. I would remind the Honourable Member that this Bill has been under consideration for not less than six months. Secondly, and this is an important point, I would like the Honourable Member to bear in mind the Bill, as put forth, has been suggested, in fact practically drafted, by the Stowing Board itself, and Stowing Board, as the honourable Member will remember, is the most representative body that can be found to be connected with the coal mining industry. And, therefore, I certainly do not think that I should be criticised, so far as this particular measure is concerned, for having rushed through the Bill.

With regard to his other point, namely, that this measure will be used and put into action only whenever there is an emergency arising and not otherwise, I am quite prepared to give him that assurance. In fact, it is our intention to confine the powers which we are now giving to the Board to emergencies only.

With regard to the point made by my Honourable friend, Dr. Zia Uddin, who is not here at present, I did not quite appreciate what he was suggesting. So far as I have been aware, I have never known that there has been any point of difference or dispute between the Coal Mining Stowing Board and the coal owners, and I do not think that the provisions which we are now introducing

are going to create any difference of opinion between the coal owners and the Stowing Board. They have been, so far as I know, more or less a happy family, and I have not come across a case where the Board has decided upon a policy which has been opposed by any particular member of the Coal Mining Association.

My Honourable friend, Mr. Hooscinbhoy Lalljee, raised a point which, I think, does require consideration, namely, as to the rights of the Government over the mines over which Government has spent money in stowing. I am sure that it is a valuable suggestion and an important point, and at some later stage I shall be able to say what Government's attitude on that point will be. Sir, I have nothing more to say.

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Government's Policy Towards Labour

Speech in Central Assembly

" I think I may say that whatever may be said with regard to the Government of India in the matter of labour it can be legitimately claimed that there has been a new orientation with regard to the altitude of Government in respect of labour, " observed the Hon'ble Dr. B. R. Ambedkar, Labour Member, Government of India, replying to the debate in the Central Legislative Assembly (on March 16) on Mr. N. M. Joshi's cut motion on the policy of the Labour Department regarding labour questions. Dr. Ambedkar said :

" Mr. Joshi has travelled over such an extensive field and raised so many points that I feel that it would be hardly possible for me to deal with each one of them specifically and to discuss what he has said and what I, as representative of the Labour Department, have to say in reply. Having regard to the inadequacy of time, I am bound to pick and choose such points as I think are necessary for me to reply to in the course of this debate.

Conditions Of Labour

Sir, Mr. Joshi started by making a general statement that the conditions of labour in India were extremely unsatisfactory as compared with conditions obtainable in the rest of the world. Sir, it is not my business to say from here that I dispute that proposition. Undoubtedly it is a fact. All that I want to say is this, that it can hardly be said to be the responsibility of the Government of India if the conditions are as unsatisfactory as Mr. Joshi has depicted them to be.

Sir, the conditions of labour in India are largely governed by the industrial development of this country over which this Government has hardly any control, and therefore it is of no use accusing the Government of India if conditions are really unsatisfactory. Mr. Joshi said that as a result of the examination of the conduct of the Government of India, he found that the Government was guilty of neglect, of inaction. It was timid and whatever it did was on an inadequate scale. I should like to say that in passing this judgement, Mr. Joshi failed to make a distinction which, I think, is a very

necessary one to make.

There are labour problems on which there is no dispute. There are labour problems which raise no financial consequences. Now what I would like to know from Mr. Joshi is this : Whether on any labour problem on which there was no dispute between the parties concerned, or which did not raise any financial question, the Government of India had not taken action with all the necessary promptitude that the urgency of the case required ? Sir, I have no hesitation in saying that in all such cases, where there has been perfect unanimity or an approximation to unanimity, and where there has not been the involving of any financial burdens, the Government of India has acted with all the promptitude that is due from it.

Nawabzada Muhammad Liaquat Ali Khan : There was no need for action in such cases.

Dr. Ambedkar: Very much action is necessary.

Wartime Measures

Then Mr. Joshi said that the conditions of labour during the war had suffered great deterioration on account of the fact that Government had granted certain exemptions from the Factories Act with regard to the time of working and they had introduced a limitation of labour's right to strike on requiring 15 days' notice. He also referred to the fact that Government had introduced the National Labour Service Ordinance and the Technical Personnel Ordinance by which people were compelled to stick to certain jobs notwithstanding their unwillingness to do so. I am glad to say that Mr. Joshi had the fairness to admit that in the midst of war such limitations were justifiable, and I would say on my part that wherever any complaint has been brought to my notice with regard to the operation of these wartime measures, I have taken the promptest action to rectify the grievance. I shall give only one instance. I remember Mr. Joshi raised a point that the power given under the Ordinance to the employer to prosecute the employee was harassment of the labourer. I readily accepted the point and I remember we issued an amendment to the Ordinance to remove the power from the hands of the employer and to hand it to the Crown Prosecutors.

Sir, as I said, I cannot deal exhaustively with these matters but I could sum up the whole situation by saying this, that when I examine the wartime legislation of the Government of India, which undoubtedly has the effect of restricting the liberty of labour, I think two new principles have emerged from it. The first is this : that the Government of India for the first time has taken upon itself the responsibility which it never did before of fixing the conditions on which a labourer may be employed. I think this is altogether a new principle which had no place in our labour legislation so far, and I am sure that this principle which has found its place in wartime legislation will be given a permanent place in the labour legislation of this country.

The second important principle which this wartime labour legislation contains is the principle of compulsory arbitration. Sir, I think my friends, Mr. Joshi and Mr. Jamnadas Mchta, will allow me to say that I have some personal experience of labour. I have known and seen the wasting efforts that labourers have made by going on strike in order to obtain certain advantages from their employers, and I think I can say without exaggerating the matter that I know hardly of a case where the workers, after a long, arduous, painful, wasting struggle, extending over months together, had ultimately to surrender to the employers and go back on their old conditions or conditions much deteriorated.

Sir, the provision contained in Rule 81 of the Defence of India Rules, which gives the Government the power of compulsory arbitration, has been to my mind a matter of the greatest benefit to labour.

There are very few cases, so far as I know, where this power, when it has been adopted, has not given labour what it was struggling to get. There are very few strikes, so far as I know, which have not ended successfully in favour of labour. The complaint which Mr. Joshi makes with regard to the provision contained in section 81 is that we had not employed Rule 81 in each and every case. His contention, so far as I have been able to find out, is that Government is not willing always and in every case, where labour has raised a dispute, to apply this section.

Sir, I have great sympathy with that point ; but it is obvious that the contention of Mr. Joshi cannot be accepted. With qualification we could not accept the position which Mr. Joshi has taken up, that is to undertake to apply this rule in every case, the moment a trade union notifies its intention to go on strike, because its grievances have not been met.

An Honourable Member : Why is this right being refused to India when it is not refused in the case of other countries ?

Dr. B. R. Ambedkar : There is no compulsory arbitration there, if I may tell my Honourable friend.

Dealing with the point, as I said, we cannot accept the principle that the moment a trade union sends a notice to the employer or threatens a strike we should at once proceed to apply Rule 81. We must have the opportunity, we must have on our shoulders the responsibility, of examining whether the grievances are genuine ; otherwise the question of strike may be a matter of day-to-day work, to which I am sure nobody in this House will be prepared to lend countenance.

The other point which Mr. Joshi raised was with regard to the inadequacy of the Labour Department in order to deal with the problems of labour. His contention was that there should be a separate and exclusive Labour Ministry to deal with questions of Labour, that there ought to be officers appointed—one for reporting on the old age pension, another on sickness insurance and the third one on some other urgent labour problems. Now, Sir, it is not my

business to controvert what Mr. Joshi has said; in fact, personally, I have a great deal of sympathy with what he said.

Expansion Of Labour Department

All I wish to say on the point is this : that if we take the circumstances in which we are living and carrying on administration, it cannot be said that the Department of Labour, as it is constituted, is inadequate to deal with the problems arising. Sir, the first thing to be noticed is that the Labour Department is no longer an appendix to some other Department. At one time it was an appendix either to the Commerce Department or an appendix to the Industries Department. It is no longer so. It is a separate and an independent Department. It is true it is not an exclusive Department. All the same let nobody argue that it is an independent and a predominant department in the group of Departments which are controlled by the Honourable Members in charge of them.

Then, Sir, we have recently considerably expanded the Department. Before 1942, we had only one Under-Secretary to deal with labour matters in the Labour Department. We have now one Deputy Secretary and two Under-Secretaries in the Department. In addition to that we have a Labour Adviser, we have a Labour welfare Adviser—Mr. Nimbkar—we have eight Assistant Labour Welfare Advisers. We have appointed a statistician in our Department in order to collect all labour statistics, and in addition to that we have a very large staff, in fact, a very considerable staff to deal with technical training, which, I am sure, is a matter of great benefit to labour in general.

An Honourable Member : A good case for a scrutiny committee.

Dr. B. R. Ambedkar: Then, Sir, with regard to the question of appointment of special officers, this is not a matter about which the Department had no knowledge. As a matter of fact, we had made a beginning by appointing a special officer to report on sickness insurance. He was Professor Adarkar. It was our wish and our proposal to go on appointing similar officers to deal with similar problems, to make reports and to suggest means and methods for carrying this proposal into legislation.

But what happened was this. Last August, when the Tripartite Conference met, we placed before them the report for consideration. The Committee and the Tripartite Conference unanimously passed a Resolution that the Government of India should also appoint a Committee to consider social welfare measures and also to suggest ways and means by which the principle of social security could be applied to working classes of India.

To that resolution, I am glad to say, we immediately gave effect, and constituted a Committee which has now been working on that subject. Obviously, Sir, it would have been very wrong for the Department to have gone on appointing other officers to report on separate subjects. We had to wait till the report of the Committee was placed before us. I can assure my

Honourable friends that the project which we have of appointing special officers to make investigation into special problems is not abandoned, but will be taken up when the report of the Committee is made available to Government. Sir, I think, that having regard to what I have stated on the point, Mr. Joshi will admit that, so far as the present machinery of the Government of India to deal with Labour problems is concerned, it cannot be said to be inadequate machinery.

Tripartite Labour Conference

Mr. Jamnadas Mehta made certain comments on the Tripartite Labour Conference. He said that the Tripartite Labour Conference should be raised to the level of the International Labour Office. Mr. Joshi said that it should have a separate secretariat and Mr. Mehta also suggested that the member in charge of the Labour Department, who generally presides over the proceedings of the Conference, should divest himself of that authority. Mr. Mehta also said that the reports of the Committee should be placed before the Legislature for rectification.

Sir, I sympathise very greatly with all that has been said by my Honourable friends, Mr. Mehta and Mr. Joshi. I would like to say this. As both of them are aware, the procedure of the Committee is more or less a matter for the Conference itself to decide. This question whether the Conference should have a separate secretariat was discussed at the time when the Conference was inaugurated and I think I am right in saying that the Conference was unanimous in their decision for the time for having a separate secretariat, but in a subsequent Conference it was altered and that gave us a direction of a different character. I have no hesitation in saying that the matter will be considered again.

Sir, there is only one more point about which I would like to say one thing, if I am right in presuming that both Mr. Mehta and Mr. Joshi regarded the Tripartite Labour Conference as a matter of small moment and not of much value. Sir, I beg to differ from this, because I think that the Labour Conference performs so important a function that I think it is really impossible to exaggerate its value.

The point that I would like to make, and I ask the Members of the House to take particular note, is this. If anyone were to examine the agenda which has been placed before the Tripartite Labour Conference or the Standing Labour Committee, I think it would be admitted that the topics placed before them for consideration and discussion have been of the highest moment. I am speaking from recollection, but they have ranged from almost anything which could be regarded of great moment to the labour world.

I would like to say this. Would it have been possible for the representatives of labour outside the Tripartite Conference to have approached any employer even to consider or to talk about those projects? I am sure about it that no

employer in the present disorganised condition of Indian labour would pay a tuppenny worth of attention to the problems which might be brought before them by representatives of employees.

I do claim credit for the Tripartite Labour Conference, that, if we have done nothing more, we have at least done one thing, namely, to induce, if not to compel, the representatives of employees to meet the representatives of employers and discuss matters of the utmost and gravest importance.

I think it is a great service that the Tripartite Conference is doing to the working classes of this country.

Women In Coalmines

My Honourable friend, Mrs. Subbarayan, in her speech referred largely to the question of the introduction of women in coalmines. I do not doubt the intensity of feeling which she said she has on a question of this character. But, Sir, I cannot go over the ground once again because the House will remember that this matter has already been discussed on an adjournment motion. I repeat again that I am indeed unhappy over the decision that we have to take and I assure the House that I am taking every possible step in order to increase the labour force to be employed in the mines and in order to increase coal output so that I may be in a position to pull the ban on again at the earliest moment possible.

Shrimali K. Radhabai Subbarayan: May I ask a question of the Honourable Member ? Did Government consult the Tripartite Conference before issuing a notification about employment of women for underground work in mines ?

Dr. B. R. Ambedkar: I am afraid we had no time to do it. As I said it was an emergency and we had to meet it by a most emergent measure.

One point which I would like to mention is the point raised by her, namely, that the Government of India, instead of trying to remedy the grievances of labour, was engaged in imprisoning labour leaders. Well, Sir, that is not a matter with which I, in my department, specifically deal. We had a great deal of discussion yesterday. I have not seen either yesterday or to-day any specific illustration or instance given to me of any Labour leader having been imprisoned by Government.

Seth Yusuf Abdoola Haroon : I just referred to a case in the Karachi Port Trust.

Mr. Hooseinboy A. Laljee : Is the Port Trust under you ?

Dr. Ambedkar: No.

Mr. Laljee : Railwaymen ?

Dr. Ambedkar : No.

Mr. Laljee : Seamen ?

Dr. Ambedkar : No.

Mr. Laljee: Then what else have you got ?

Dr. Ambedkar : There are very many other categories of labour. I was dealing with the question of imprisonment of labour leaders.

Smt. K. Radhabai Subbarayan : Was not Mr. Dange imprisoned ?

Dr. Ambedkar: I am just coming to that. Knowing the labour leaders, as I do, the trouble I think is that labour leaders play more than one part.

They are sometimes labour leaders, sometimes they are communists, sometimes they are national leaders, sometimes they are members of the Congress; and sometimes they are members of the Hindu Mahasabha or of some other organisation.

An Honourable Member : All are to be tabooed !

Dr. Ambedkar : It is very difficult to say that labour leader who - plays such a multiple part is imprisoned because he is a labour leader and not because he has acted in some other capacity—as a communist, as a member of the Congress, or as a member of the Hindu Mahasabha. In fact, if I may say so with all humility, in my judgement, if labour leaders were to exclusively devote themselves to the labour cause and not to be instruments of political parties of other complexion or other character, or of other programme, then they would be not only excluding themselves from the clutches of Rule 26, but they would also be doing a great deal of service to labour itself. Unfortunately we have not been able to get in this country labour leaders who are exclusively devoted to labour.

An Honourable Member : Mr. Joshi is there.

Dr. Ambedkar : I do not know if there is any other matter which has been raised in the course of this debate to which I have not given a reply, or which calls for a reply.

I think I may say that whatever may be said with regard to the Government of India in the matter of Labour it can be legitimately claimed that there has been a new orientation with regard to the attitude of Government in respect of labour.

Mr. Amarendra Nath Chattopadhyaya: What is the policy behind it?

Dr. Ambedkar: For the last half an hour I have been saying nothing else.

Maulvi Muhammad Abdul Ghani: May I seek one piece of information from the Honourable Member? How is it that the technicians after being trained at a centre do not get certificates after the training ?

Dr. Ambedkar : I will look into it.

Mr. N. M. Joshi : Sir, in the hope that this discussion will lead to increased activity and better activity on the part of the Labour Department, I ask leave to withdraw my cut motion. The cut motion was, by leave of the Assembly, withdrawn.

* * *

International Labour Conference in Philadelphia

The Government of India have nominated the following delegation for the forthcoming International Labour Conference on April 20, 1944 at Philadelphia, U.S.A. said a Press communique issued on March 24 :

Government Representatives: Sir Samuel Runganadhan, High Commissioner for India, Leader; Mr. H. C. Prior, Secretary, Labour Department, Delegate ; A member of the High Commissioner's Office, Adviser to Government delegates and Secretary to the Indian Delegation.

Employers' Representatives: Mr. J. C. Mahindra, Delegate; Mr. D. G. Mulherkar, Adviser.

Workers' Representatives: Mr. Jamnadas Mehta, Delegate; Mr. Aftab Ali, Adviser; Mr. R. R. Bhole, Adviser.

India, as a member of the International Organisation, has undertaken to nominate non-Government delegates and advisers chosen in agreement with the industrial organisations, if such organisations exist, which are most representatives of employers or work people, as the case may be, in their respective countries. The employers' representatives have been chosen in this manner as agreed recommendations were received.

As regards employers, there are two main organisations of employees and they have failed to submit agreed proposals. As Government have no machinery to examine which of the two organisations is the more representative body and as Government desire that labour should not lose its opportunity of having its say at this conference because of its failure to come to an agreement, Government have decided to adopt, for the present, the principle of nominating representatives alternately in agreement with each of the two organisations.

In accordance with this decision they have nominated as representatives of workers the Delegates and one Adviser recommended by the Indian Federation of Labour, and have also included, as an Adviser, Mr. R. R. Bhole, recommended by the All-India Municipal Employees' Federation, who has been accepted as a Co-Adviser by the workers' Delegate.

29

Miscellaneous Departments

Mr. President (The Honourable Sir Abdur Rahim) : The House will not take up Demand No. 64 : Miscellaneous Departments, which was left over.

The Honourable Dr. B. R. Ambedkar : Sir, I think my Honourable friend, Mr. Avinashilingam Chettiar, wanted to know how the sum of Rs. 15,26,000 which finds a place here has not been mentioned in the Standing Finance Committee report. I have referred to the Report and I find that what he says is correct. I have sent for information from the Department to find out exactly what items this sum entered here represents. In the meantime if the Honourable Member wants some general information as to the matter with which this supplementary grant is concerned, I am quite prepared to give it to

him.

Mr. T. S. Avinashillingam Chettiar : All this information is given in the Memorandum.

The Honourable Dr. B. R. Ambedkar: The scheme of employment exchanges has been fully explained in the report of the Standing Finance Committee.

Mr. T. S. Avinashillingam Chettiar : What we want is explanation for the figures.

The Honourable Dr. B. R. Ambedkar : With regard to the bigger item, briefly the facts are these. As Honourable Members know, there has been a great deal of competition for unskilled labour by different contractors working for Government in the civil departments as well as those working for the military department. In order to remove the causes of this competition which has the result of enticing away essential labour from important fields of work, and which has also the consequence of raising the wages of labour beyond reasonable limits. Government thought it necessary to establish certain Committees in order to deal with this problem. What the Government has done is to bring into operation two different schemes, one scheme is called Labour Supply Committee scheme, which operates in certain Provinces such as Bengal, Assam which are very closely situated with military operations. The second thing which the Government has done is to raise what are called depots of labour, and one particular depot is the depot which has been established at Gorakhpur. Most of the unskilled labour is collected and sorted out and supplied either to coal mines or to military works. The expenditure which is mentioned under ' M '—Labour co-ordination of unskilled scheme—is really expenditure which is concerned under these two schemes which I have mentioned. That is all I have to say.

Mr. N. M. Joshi (Nominated Non-Official) : Sir, the Honourable Member has told us about his two schemes, one is the Labour Supply Committee and the second is the scheme of arranging for depots for supplying labour and sending them for different purposes to other places. Now, Sir, as regards this Labour Supply Committee, I would like the Honourable Member to tell us whether there are any representatives of labour on these Committees wherever these Committees are started.

The Honourable Dr. B. R. Ambedkar : I might just mention that I only passed orders yesterday for the representation of labour on these Labour Supply Committee.

30

Protection of Mosques in New Delhi

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved: " That for the original Resolution the following be substituted:

" That this Assembly recommends to the Governor General in Council that

in order to protect and keep in proper repairs the mosques situated in New Delhi area, he should be pleased to take the following steps :

(a) instruct the Department concerned to allot those bungalows in the compounds of which mosques are situated subject to the stipulation that no obstruction should be offered to their restoration or to the use of such mosques by Muslims for offering prayers therein; and

(b) further instruct the Department concerned and the New Delhi Municipal Committee to give all facilities, assistance and necessary legal permits to such Mussalmans as come forward to repair, restore or rebuild any existing mosque in New Delhi area."

* **The Honourable Dr. B. R. Ambedkar** (Labour Member) : Sir, this Resolution falls into two parts—part (a) and part (b). I am concerned with part (a) only. Part (b) will be dealt with by the Honourable the Secretary for Education, Health and Lands Department. Part (a) with which I am concerned makes two recommendations. One is that the Government should undertake to allot bungalows with mosques in their compound to Muslim employees of the Government of India. The second recommendation is to instruct the occupants not to obstruct the restoration or the use of such mosques for offering prayers by anyone who cares to come and offer prayers there.

I would like to say that I am sorry that I cannot accept either of the two recommendations. I do so not because I do not appreciate the sentiments which have moved by my Honourable friend to table the Resolution but because of the inherent difficulties which are involved in the acceptance of this Resolution. Taking the first part of the Resolution, my Honourable friend, Sir Yamin Khan, said that the Government had already allotted or reserved a particular House for an Honourable Member who happens to be a Muslim. I believe he referred to this in order to support his pica that the principle had already been accepted. Sir, I would like to state categorically that that is a mistake. No house is reserved for any Honourable Member. It happens to be an accident that the house to which he referred has been occupied by a Muslim Member. But I have not the slightest doubt that should there happen to be a vacancy in that house, which I hope not, it will be open to any Honourable Member next senior to him to claim that house irrespective of the question whether the Honourable Member is a Muslim or a non-Muslim.

Sir Muhammad Yamin Khan: But a purdah wall has also been built.

The Honourable Dr. B. R. Ambedkar: That is another matter. I am dealing with principles.

Therefore, the Government of India has not accepted the principle. I am going to point out to my Honourable friend that so far as the present times are concerned, it is quite impossible for the Government to accept any such rigid principle.

Sir, what does the acceptance of the principle mean ? It means two things. It means that the Government should undertake to serve a notice on non-

Muslims who are occupying the sort of bungalows which are the subject-matter of this Resolution and to have them vacated. That would be the consequence if the Government accepted the Resolution.

The second consequence of the acceptance of the Resolution would be this : supposing there was a vacancy in such a bungalow, and that an officer to whom such a bungalow could be allotted happened to be a non-Muslim who was called by Government from outside to stay in Delhi, and whose presence was absolutely necessary; under the circumstances Government should not allot the accommodation to him. Sir, my humble submission is that that is an impossible condition; and in view of the present circumstances, when there is such tremendous paucity of accommodation, and when officials who are called here have to live in hutments and in all sorts of improvised accommodation, for Government to adopt a rule of this kind would be—I do not wish to say,—a dog-in-the-manger policy. My Honourable friend can easily realise that this is not a tiling which can be accepted by Government in the present circumstances.

Coming to the second part of the Resolution which asks Government to put certain restraints upon the occupants, I am sorry to say that that also is bound to create great difficulties. Sir, it is quite well-known that a landlord is entitled to put certain restrictions on a tenant. But I have no doubt that my Honourable friend, Sir Yamin Khan, will agree that the landlord can put such restraints upon a tenant which are intended primarily for the preservation of the premises. I have not got time to go into this in any detail. But the sort of restrictions which my Honourable friend desires Government should impose upon the tenant are not justifiable on the ground that they will not be for the preservation of the premises.

Now, Sir, I come to the second difficulty. What would be the position of the tenant who is subject to this kind of stipulation. Sir, I have no doubt and I feel quite certain that I am not exaggerating the matter, that if I were to introduce the kind of stipulation which is mentioned in the Resolution that every man, whether he is Muslim or Non-Muslim, should open his compound to anybody who wants to come and say his prayers, will be nothing short of destroying the privacy of the premises and to convert it, if I may say so, into a *musaffir khana*. I have no doubt about it that it would be very difficult to impose such a stipulation on a non-Muslim tenant, and I have not the slightest doubt in my mind that it would be difficult to impose a similar stipulation on a European occupant. But I venture to suggest that even a Muslim occupant would not very readily consent to the kind of stipulation which my Honourable friend wants me to impose. It is quite apparent that my Honourable colleague who is occupying premises of the kind mentioned in the Resolution, with all his religious proclivities, would not allow a crowd to enter his compound to say prayers.

Sir, I am sorry that for the reasons I have mentioned, and I think my

Honourable friend will agree that they are not reasons of a temporary character, I am unable to accept this Resolution.

31

The Factories (Amendment) Bill

The Honourable Dr. B. R. Ambedkar (Labour Member) : Sir I move:

" That the Bill further to amend the Factories Act, 1934, be taken into consideration."

This Bill is a very simple piece of legislation and it is also a noncontroversial piece of legislation. The Bill proposes to make four amendments and the sections which are sought to be amended by this Bill are sections 9, 19, 23, 45 and 54.

Section 9 is a section which legislates that the occupier of a factory, before starting the factory, should send to the Inspector of Factories a notice giving certain particulars. Now, it has been found out that under this section the Inspector of Factories is not entitled to ask for the particulars from the occupier of the factory which he thinks he ought to have, nor the occupier is bound to give any such particulars. Recently it has been found out that the occupier of a factory, who wants to start a factory, has refused to give certain important information which the Inspector of Factories requires. In order to remove this difficulty, section 9 is amended and the amendment gives powers to Government to ask for certain particulars which the Inspector requires for his purposes.

Section 19 deals with the supply of water and washing places in the factory. As the section stands now, the provision for a washing places is confined to factories involving contact by workers with injurious and obnoxious substances. The section does not require owners of factories of either kind to provide washing places. It has been suggested that this limitation ought to be removed because washing places are necessary for all sorts of workers and not merely for those whose work brings them in contact with injurious and obnoxious substances. The amendment, therefore, makes provision for making washing places obligatory on all factories.

Section 23 deals with fire-escapes to be installed in a factory. Here, again, it has been found that the section is defective. The section leaves to the occupier required. It does not give to Government the power to prescribe the number of fire-escapes that a particular factory may find it necessary to have. Consequently, section 23 has been amended by the present Bill in order to give power to Government to prescribe the requisite number of fire-escapes which the Factory Inspector may find it necessary in the circumstances of a particular factory.

Then, Sir, coming to sections 45 and 54, the position is this. These sections deal with two matters. They deal with hours of work which a child and a woman is required to work in a factory. They also deal with what are called the limits of the spreadover. The present amendment does not in any way

alter the provisions with regard to the number of hours which a child or a woman is required to work in a factory, nor does it in any way affect the 13 hours spread which has been prescribed by these provisions. All that the present amendment does is to alter the limit of the spreadover by changing 7-30 p.m. to 8-30 p.m. This change has become necessary on account of two reasons. Firstly, it is due to the change in the standard lime and, secondly, it is due to the necessity for saving light.

Sir, I do not think anything more is required from me to explain the provisions of this Bill. I move.

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved:

" That the Bill further to amend the Factories Act, 1934, be taken into consideration."

I find notice of amendments has been given by Maulvi Muhammad Abdul Ghani, but he is not in the House. The House, will, therefore, proceed with the consideration of the Bill.

Mr. Muhammad Naurnan (Patna and Chhota Nagpur *cum* Orissa : Muhammadan): Sir, I agree with the Bill and its principle as explained by the Honourable Member. My only objection is that the Honourable Member has not taken pains to consult the opinion of the Chambers and the merchants who would have been really the proper people to say whether such amendments were necessary. What I am afraid of is that by placing restrictions in the manner proposed in section 19 it may be more difficult for the people who have factories or who are establishing factories to have that Schedule which they want to prepare. That is my only trouble. If I am convinced that the Government has taken pains to consult the commercial opinion and the opinion of the industrialists on this matter, I will be glad to support the motion.

The Honourable Dr. B. R. Ambedkar: Sir, with regard to the point raised by my Honourable friend Mr. Muhammad Nauman, I would like to say this, that this Bill is the result of the recommendations made by the conference of Inspectors of Factories all over India. It is they who have thought that the Bill has been defective in the way in which it has been found to be. All that the Government has done is to give effect to the unanimous recommendation made by the Inspectors of Factories all over India. I have no idea, and I have no papers with me to enable me to say whether the Chambers of Commerce have been consulted. But I should have thought that the Chambers of Commerce were hardly the bodies to be consulted with regard to factory legislation. But I believe employers' organisations have been consulted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

" That the Bill further to amend the Factories Act, 1934, be taken into consideration."

The motion was adopted.

Mr. C. C. Miller (Bengal: European): Sir, I move:

" That in clause 2 of the Bill to the proposed part (f) of sub-section (1) the following words be added:

' for the purposes of this Act '."

Sir, I can explain this amendment very shortly. The original section 9. as the Honourable Member has already stated, gives under certain specified heads the information which the factory owner must supply to the Factory Inspector. Incidentally one really doubts whether the amending clause is necessary .at all in view of section 77 of the Bill which seems to supply the gap if further information is needed. But, assuming that the Government amendment is in order, we thought that it is asking rather a lot to put in an omnibus amendment of this nature to certain specifically defined subjects. All we ask for is that the Factory Inspector should be entitled to seek information only which is relevant to the Factory Act. I hope that the Honourable Member will accept this very modest amendment.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved:

" That in clause 2 of the Bill to the proposed part (f) of subsection (1) the following words be added: ' for the purposes of this Act '."

The Honourable Dr. B. R. Ambedkar : I accept the amendment.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

" That in clause 2 of the Bill to the proposed part (f) of subsection (1) the following words be added:

' for the purposes of this Act '." The motion was adopted.

Clause 2, as amended, was added to the Bill. Clauses 3, 4 and 5 were added to the Bill. Clause 1 was added, to the Bill. The Title and the Preamble were added to the Bill.

The Honourable Dr. B. R. Ambedkar : Sir, I mvove:

" That the Bill, as amended, be passed."

Mr. President (The Honourable Sir Abdur Rahim): The question is:

" That the Bill, as amended, be passed." The motion was adopted.

32

Advisory Committee on Coal Mines Welfare Fund

The Central Government have set up an Advisory Committee to advise on matters arising out of the administration of the Coal Mines Labour Welfare Ordinance, promulgated in January last.

The Committee, when fully constituted, will consist of the Secretary, Labour Department, the Coal Commissioner, the Labour Welfare Adviser, the Chief Inspector of Mines ; one official each nominated by the Railway Board, the Bengal Government, the Bihar Government and the Central Provinces and Berar Government; two nominees of the Indian Mining Association; one nominee of the Indian Mining Federation, the Indian Colliery Owners Association and the Central Provinces and Berar Mining Association: two mining engineers and representatives of interests other than the colliery owners or workmen employed in the coal mining industry.

In addition, there will- be five persons nominated by the Central Government to represent the interests of colliery labour. Four have already been appointed and the fifth will be appointed shortly. Under the ordinance, the Advisory Committee should also include a lady member and this nomination, too, is expected shortly.

The Committee, as so far constituted, include the following representatives of the Government of India : Mr. S. Lall, Secretary, Labour Department ; Mr. R. S. Nimbkar, Labour Welfare Adviser ; and Mr. W. H. Kirby, Chief Inspector of Mines. The representatives of the Railway Board and of the Bengal, Bihar, and Central Provinces and Berar Governments are : Mr. A. Orr; Mr. A. Hughes, I.C.S., Labour Commissioner, Bengal; Mr. A. G. Bunn, I.C.S., Additional Deputy Commissioner, Dhanbad; and Sardar Bahadur Ishar Singh, Labour Commissioner, Central Provinces and Berar. Messrs. J. Latimer, S. F. Tarlton, M. N. Mukerjee, R. D. Rathore and A. E. Douglas have been nominated to represent the mining industry on the Advisory Committee.

First Meeting

Of the four spokesmen for colliery labour, Messrs. P. Bhattasali and H. Ghosal represent organisations, affiliated to the Indian Federation of Labour and Messrs. Nirpada Mukerjee and Chapal Bhattacharya represent those affiliated to the Trade Union Congress. Messrs. S. N. Mallick and W. N. Burch are mining engineers nominated to the Committee.

The first meeting of the Advisory Committee was held at Dhanbad on April 27, the Hon'ble Dr. B. R. Ambedkar, Labour Member, Government of India, presiding.

In a short opening speech. Dr. Ambedkar recalled the Tripartite meeting held in Dhanbad in December last to consider, first, the problem of coal production and, secondly, the securing of a continuous flow of labour. He said that the suggestions made at that meeting had come to fruition. While the question of production was being dealt with separately, this meeting was convened to consider measures for the welfare of labour in coal-mines. As discussed at the last meeting, the Government of India had promulgated an Ordinance constituting a fund for the welfare of colliery labour and this Advisory Committee had been appointed under the terms of the Ordinance.

The Committee then discussed draft rules, placed before them, relating to the composition of the Advisory Committee and to expenditure and welfare schemes to be financed from the Fund. The rules provide that the Advisory Committee should have a secretariat, with headquarters at Dhanbad, under the executive authority of its Chairman. There will be a number of sub-committees attached to and elected by the Advisory Committee for carrying out its functions—a Finance Sub-Committee to advise generally on all expenditure debitable to the Fund, a Works Sub-Committee to consider all major projects for works and constructions the cost of which is to be met from the Fund, and a separate Coal-field Sub-Committee for each of the main"

coal-fields in Bengal, Bihar, the Central Provinces and Berar and Assam to advise on all matters relating to expenditure from the Fund in their respective regions. In constituting the Sub-Committees equal representation will be given to colliery owners and workers employed in the coal-mining industry.

Administration Of Fund

The rules discussed by the Advisory Committee also provide that, within the sanctioned budget, the Advisory Committee may suggest schemes of expenditure to the Central Government for approval. These schemes will be in two parts—administrative schemes, to cover secretariat expenses and salary, etc. of the staff appointed by the Chairman, and welfare schemes which will be either of an obligatory or permissive nature.

The rules further empower the Central Government to impose certain conditions on a Provincial Government, the local authority or the owner, agent or manager of a coal-mine to whom a grant is made from the Coal-Mines Labour Welfare Fund in aid of any schemes approved by the Central Government. These conditions may be imposed to ensure that the work for which the grant is made is duly and promptly executed, that all the necessary facilities are given for any inspection that may be made for checking, and that proper accounts are maintained of the money granted.

Before making a grant from the Fund to a local authority or the executive agent or manager of a coal-mine, the Central Government will require the Party concerned to execute a bond for the fulfilment of these conditions.

The Committee also considered the extent to which the Jharia and Asansol Boards of Health and the Jharia Water Board should be utilised as the executive authority for expenditure of grants from the Fund. It was pointed out that use might be made of existing bodies in coal-fields for carrying out welfare and other schemes for which the Fund had been created. The Committee approved the suggestion put forth by the Chairman that the question whether grants should be made to local bodies or not should be decided by the Advisory Committee in each case individually. The Committee also considered expenditure needs which should be taken up at once and for which the cost should be met from the Welfare Fund. Among the items which were suggested for this purpose were : expenditure on welfare staff, expenditure on secretariat staff to be appointed and expenditure on the anti-malaria scheme at present in progress in certain coal-fields in the Central Provinces and Berar and to be sanctioned for Bengal-Bihar. The Committee also discussed the rate of cess to be levied under the Ordinance.

Mica Industry to be placed on a Sound and Stable Footing

" The Government of India is prepared to do its best to put this industry on a sound and stable footing, " observed the Hon'ble Dr. B. R. Ambedkar, Labour Member, addressing a Mica Conference between representatives of the Government of India, the Bihar Government, trade associations and

spokesmen of mica labour, held at Kodarma (Bihar) on April 29.

The Bihar Government was represented, among others, by Mr. E. C. Ansorge, Adviser; Mr. J. S. Wilcock, Secretary, Revenue Department ; and Mr. M. Z. Khan, Deputy Commissioner, Hazaribagh district. Mr. D. L. Mazurndar, Joint Secretary, Labour Department, Dr. E. L. G. Clegg, Director, Geological Survey of India, and Mr. J. T. K. Crosfield, Supervisory Field Officer of the Geological Survey, represented the Central Government.

" The Government of India, " said Dr. Ambedkar, " realised that after the war, India might not retain its monopoly in mica to the same degree as today." He indicated that, with a view to placing the industry on a stable and permanent footing, the Government proposed to set up an Inquiry Committee which would deal both with the immediate and ultimate problems of the mica industry.

The Committee's terms of reference would be ; Working of the Mica Control Order, both in regard to war production and the effect of the Order on long-term policy, and the review of any orders that may have been passed by the Government in connection with that order; the present system of marketing—both inland and abroad ; standardisation of quality ; the extent to which alternative sources of supply may have jeopardised or are likely to jeopardise the position of this country as a principal supplier of muscovite mica and the extent to which other materials that may be used as substitutes for mica may have displaced or are likely to displace mica or its uses in industry; increased utilisation of mica in this country for the manufacture of finished goods; research and development; the desirability of setting up suitable machinery, whether by appointment of a Central Mica Committee or otherwise, to watch the interest of the mica trade and industry.

Dr. Ambedkar said the inquiry Committee would consist of a whole-time Chairman, two part-time members—one experienced in inland trade and the other in the export trade—and a wholetime Secretary. There would be seven assessors with the Committee, two representing the Government of Bihar, two representing Bihar dealers, one each representing the Madras and Rajputana mica trade, and one representing mica labour. In addition, the Committee would be assisted by two technical advisers, one of whom would be the Director of the Geological Survey of India and the other a representative of the Board of Scientific and Industrial Research.

Labour Welfare

Referring to the question of labour and industry, the Labour Member emphasised that if Government was to help the industry it would not allow the industry to exploit labour. It had been said that India's monopoly was based on cheap labour. If this was true it was not a matter of compliment either to the industry or to labour. If Government was to intervene or to take measures in order to stabilise the industry, Government would expect the industry to

safeguard the interests of labour.

The Labour Member observed that Government would require that labour must be assured a living wage, fair conditions of employment and general welfare, in the interest of maintaining Labour Welfare. He referred to the general policy that had been evolved to maintain labour by collecting money from industry and pointed out the welfare cess on coal as an example. The industry, he continued, must bear the cost of welfare by a special cess.

Earlier in his speech, the Labour Member, emphasising the importance of Indian's mica industry, referred to the fact that electro-technical industries depended on mica for their existence and that mica was strategic material without which defence of the country would be impossible. World production of sheet mica in metric tons in 1913 was 17,018 of which India's production was 14,598—practically 81.7 per cent. And yet the mica industry had played next to no part in the industrial affairs of India.

He said : " We hear a great deal about the cotton, textile and jute industries but it is seldom that one comes across any reference to India's mica industry ". Giving reasons for this. Dr. Ambedkar pointed out that there were two sets of causes—first, that mica produced was not consumed in India. Mica was entirely exported and the Indian people, therefore, were unconcerned. Profits were derived from the outside world and the consuming public were not interested in the mica industry. The second set of causes included the ineffective and unorganised state of the industry. He quoted figures to show that the production of sheet mica in India in metric tons had increased from 1,714 in 1905 to 14598 in 1937. Another indication of the industry's colossal growth was the fact that in the dry season the industry employed 60,000 workers in mines and factories and about 1,00,000 as home splitters. In spite of its enormous growth, he said, there was no big organisation in the mica industry comparable with the Millowners' Association or the Northern India Employers' Federation.

Piracy

Giving reasons for this state of affairs, he observed that persons concerned with the industry were torn by the spirit of mutual jealousy and trade rivalries. Each one was trying to build his place at the cost of others. It was a case of all competition and no co-operation. Referring to the future of the industry, the Labour Member said that the Government of India were prepared to do their best to put this industry on a sound and stable footing. The Government realised that there were two problems before the industry, one an immediate problem and the other the ultimate problem involving long-term policy. The immediate problem was the problem of mica piracy. In ordinary circumstances the Government of India would have thought that ordinary law dealing with theft and the receiving of stolen property was sufficient, but having regard to the importance of mica they were anxious to assist the

industry to the best of their ability. The Mica Control Order was in existence and, whatever its defects, it certainly provided machinery whereby the extent of piracy had been reduced. He pleaded for co-operation by those engaged in industry and assured them that the Government were ready to take steps to stop piracy.

Proposal Welcomed

Representatives of the industry at the conference unanimously welcomed the proposal to set up an Inquiry Committee. It was suggested that the Committee might also go into the question of postwar reconstruction as regards the mica industry.

Earlier, the Conference discussed measures intended to meet the immediate needs of the industry. These included proposals regarding prohibition of the purchase, sale or transfer of certain types of mica, the vesting of District Magistrates and Provincial Governments with a certain amount of discretionary authority in granting certificates, prevention of multiplicity of licensed agents, control of the location of godowns for the storage of mica and improvements in the administrative machinery.

It was indicated that the Central Government intended to amend the Mica Control Order, 1940, to provide for these, at an early date.

In regard to the welfare of mica labour, existing arrangements for grain concessions and dearness allowance, housing conditions, water supply, medical facilities and wages were reviewed. The Labour Member inquired if there was a certain basic wage for mica labour and emphasised the need to provide medical attention, housing facilities and water supply. It was stated that most of the workers lived in their villages. There appeared to be general agreement on the proposal to impose a welfare and development cess in the interest of mica labour. It was agreed that the Geological Survey of India should be responsible for the distribution of coal to mica mines.

Labour Member Visits Mica Mines

On April 28, Dr. Ambedkar, accompanied by Mr. Mazurndar, Dr. Clegg, and Mr. Crossfield, visited a mica mine and a mica factory. The party went down about 400 feet by means of a ladder installed in the mines. Among various other aspects of mining, the Labour Member saw drilling and boring operations conducted through pneumatic drills worked by lend-lease compressors which had been placed at the disposal of the industry by Government to stimulate mica production. Returning to the surface the Labour Member visited the Labourers' hutted colony. In the middle were two saffron-coloured triangular stones placed against a tree. The Labour Member was informed that the labourers worshipped these stones as " Goddess of Mica "

In the factory at Kodarma, thousands of workers—men and women—

squatted in huge dormitories, working on blocks of mica. Here the party saw various processes of mica manufacture, e.g. slating of mica, knife-dressing, sick-dressing and splitting-performed with unerring judgement and skill, by hand. In one section of the factory, workers were splitting mica into thin sheets of uniform sizes, to be used ultimately as condenser films in spark plugs for aeroplanes. In another section, the Labour Member saw blocks of mica being cut into small sheets for being manufactured into micanite.

Science Has Increased The Importance Of Mica

India is the world's leading producer of sheet mica, which is mined mainly in the Hazaribagh and Gaya districts in Bihar, and Nellore in Madras, and to a minor extent in other districts in Madras and in Tonk State and Ajmer-Merwara in Rajputana, about 80 per cent coming from Bihar and most of the remainder from Nellore. This pre-eminence in the world's markets, is due largely to the excellent quality of the so-called " Bengal ruby " mica of Bihar, but also to the great manual dexterity of the aboriginals, mainly women, who trim and split the mica with crude soft-iron sickles (or shears in Nellore). So much is this the case that in pre-war years there was an appreciable import of block mica into India, to be re exported in the form of splittings. Mica has been used in India for centuries for decorative and medicinal purposes.

The mica occurs as " books ", giant crystals which have been found, exceptionally, as large as 10 feet in diameter, in great veins of pegmatite traversing mica schists. The mica, which is muscovite, occurs with felspar and quartz and other minerals such as beryl, which from Ajmer is exported as an ore of beryllium.

Most of the mica exported from India goes to the United Kingdom and the United States.

The Advance of science, instead of rendering this natural product obsolete, has increased its importance. With the employment of higher temperatures of voltages in generators, as radio and television are developed, as the number of motor-cars and aeroplanes increases, and even as the electron is brought under control, mica becomes increasingly important. It is considered indispensable for the following appliances :

- (1) commutator segments, for motors and generators ;
- (2) commutator V-rings, for motors and generators ;
- (3) armatures (high temperature and high voltage) ;
- (4) aeroplane motor spark plugs ;
- (5) radio tubes;
- (6) transformers; and
- (7) radio condensers.

Standing Labour Committee Discusses Recognition of Trade Unions

Proposals to secure compulsory recognition of Trade Unions and the

appointment and constitution of boards of recognition, as embodied in the Indian Trade Unions (Amendment) Bill, 1943, were discussed at the fifth meeting of the Standing Labour Committee held in New Delhi on June 27. The Hon'ble Dr. B. R. Ambedkar, Labour member, Government of India, presided.

The employers' and the workers' representatives explained their views on the criterion for judging the representativeness of a trade union.

While the employers' representatives generally favoured the idea of bringing together employers and workers, they seemed to be of the opinion that this co-operation should be on a voluntary and non-legal basis. It was stated that with the healthy growth of trade unions, there would be no difficulty as regards recognition. The workers' representatives favoured the idea of compulsory recognition and at the same time pleaded that the scope of the amending bill should be widened to confer more rights and privileges on trade unions.

Statistics of Trade Disputes

The Committee then discussed a proposal to improve the existing statistics of trade disputes in order to have uniformity in the method of compilation and to improve their utility for purposes of comparison as between provinces in India and with other countries. It was suggested that the machinery provided by the Industrial Statistics Act of 1942 empowering the Provincial Governments to secure statistics should be utilised. This procedure would be, moreover, on the lines of the system adopted by the International Labour Organisation. There was general approval of the proposal.

The Committee, however, discussed the alternatives of serving notices on all employers irrespective of the number of their employees or only on those employing 10 or more workers. Draft rules and forms for the collection of statistics under the proposed procedure were circulated to the members of the Committee.

Visit To Cloth Mills

After the meeting, Dr. B. R. Ambedkar and the members of the Standing Labour Committee, on the invitation of Sir Shri Ram, visited the Delhi Cloth Mills, where they saw various manufacturing processes as well as the labour welfare work undertaken by the management. Sir Shri Ram accompanied the party to the workers' quarters and explained the sanitary arrangements and facilities as regards water for drinking and bathing. The Workers' Colony has a school, a dispensary and a library, equipped with a radio set which was tuned in to a film song radiating from A.I.R., Delhi.

The party also saw a swimming pool varying in depth to suit the novice as well as the expert swimmer. At the workers' sports club a *kabbadi* match was in progress. Nearby was a workers' theatre where, it was stated, historical

and other plays, all acted by the workers were staged occasionally.

The following delegates and advisers representing the Central and Provincial Governments, Indian States, All-India Organisation of Industrial Employers, Employers Federation of India, All-India Trade Union Congress, Indian Federation of Labour, and other employers and workers attended the meeting :

The Hon'ble Mr. H. C. Prior, Secretary, Department of Labour, and Mr. S. Lall, Joint Secretary (Central Government); Sardar Bahadur Isher Singh, Labour Commissioner, Nagpur and Mr. C. K. Vijayaraghavan, I.C.S., Labour Commissioner, Madras (Madras and Central Provinces and Berar) ; Mr. S. V. Joshi, Labour Commissioner, and Mr. V. P. Keni, Assistant Labour Commissioner (Bombay); Mr. A. Hughes, I.C.S., Labour Commissioner Bengal; Mr. J. E. Pedley, I.C.S., Labour commissioner (United Provinces) ; Mr. M. H. Mahmood, Director of Industries, Punjab, and Mr. P. K. Kaul, I.C.S., Secretary to Government, Electricity and Industries Department, Punjab (Punjab, Sind and N.W.F.P.) ; Mr. A. S. Ramchandran Pillai, Labour Commissioner, Assam, and the Director of Development and Chief Inspector of factories, Orissa (Assam and Orissa) ; Mr. K. S. Srikantan, Director of Industries, Indore, Mr. B. S. Desai, Assistant Director of Labour, Baroda and Mr. N. D. Gupta, Labour Officer, Gwalior (Baroda, Indore and Gwalior States); Mr. E. I. Chacko, Director of Industries and Labour Commissioner, Travancore, and Mr. M. A. Mirza, State Labour Officer, Hyderabad, Deccan (Mysore and Travancore States); Mir Maqbool Mahmood (Chamber of Princes); Sir Shri Ram, Mr. Kasturbhai Lalbhai and Mr. D. G. Mulherkar, Secretary, All-India Organisation of Industrial Employers (All-India Organisation of Industrial Employers); Mr. H. S. Town, Mr. C. C. Miller, M.L.A., Mr. J. Lalimer and Mr. T. S. Swaminathan, Secretary, Employers' Federation of India (Employers' Federation of India); Mr. S. S. Mirajkar, Mr. V. Chakkarai Chettiar, Mr. Kazi Mujtaba and Mr. V. G. Balwaik (All-India Trade Union Congress) ; Prof. B. N. Banerji, Mr. Jamnadas M. Mehta, Mr. Abdul Sattar and Mr. V. G. Karnick (Indian Federation of Labour) ; Rai Bahadur Shyam Nandan Sahaya (other Employers); Mr. S. C. Joshi, M.L.C., and Mr. P. T. Dewara (other workers).

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Post-War Employment of Skilled Workers

" No plan for the future development of the country can be deemed to be complete which does not provide for technical and scientific training. This is the age of Machine and it is only those countries in which technical and scientific training has risen to the highest pitch that will survive in the struggle that will commence when the war is over, for maintaining decent standards of living for their people. The Government of India is not oblivious to these considerations and would like to see the Technical Training Scheme not only maintained but extended all over the country and become a permanent part of

the country's educational system." Thus observed the Hon'ble Dr. B. R. Ambedkar, Labour Member, Government of India, addressing the Technical Training Scheme Advisory Committee in Calcutta on August 24.

The committee, which was appointed by the Central Government to consider the adjustment of the Technical Training Scheme to the needs of civil industry, consists of representatives of engineering associations, the All-India Organisation of Industrial Employers, the Employers' Federation of India, the Bengal Chamber of Commerce, the Supply Department, the Railway Board and the Institute of Engineering. The meeting lasted three days.

Labour Member's Speech Here is the full text of the Labour member's speech :

Gentlemen : In welcoming you here, today, I should like to express to each one of you my appreciation and thanks for the trouble you have taken to attend this meeting. In these days, we are all so fully preoccupied with our normal duties, that any addition to them must involve a heavy strain. I am all the more grateful to you for undertaking this task of helping Government to re-mould their Technical Training Scheme to meet the changing needs of the country.

I need hardly say how great is the importance I attach to the work of this Committee. The fact that, notwithstanding a last moment hitch, I decided to come down to Calcutta to meet you and to wish you good luck and full success in your labours, is evidence—if there is need for any—of the sincerity of what I am saying.

You have assembled here today to consider the future of our Technical Training Scheme, which was introduced as an emergency measure to cater to the technical needs of the Army and has resulted in providing India with semi-skilled man-power to an extent unheard of before.

Just to give you an idea of the magnitude of the work done in the field of technical training, I might refer briefly to the history Of the Technical Training Scheme from its early stages. It was started 3 1/2 Years ago to overcome one serious obstacle—the lack of technical personnel for the requirements of the Army. We started with a target for training about 3,000 men at a time, but within two years we had to raise this figure to 48,000 which required setting up 394 training centres. By the end of 1942, we had already supplied 54,000 trained personnel to the Army. By June, 1944, we had turned out 75,000 trainees of whom 63,000 joined the technical branches of the Defence Services and 3,000 went to the ordnance factories. I am sure you will agree that this is no mean achievement having regard to the period within which it has been accomplished.

As I said this Technical Training Scheme was started to meet the needs of the Army which had arisen out of the war. The war, as everybody can see, is coming to a close, and the demand for technical training which came for the

Army will abate.

In view of the situation that will arise at the end of the war there are two questions that arise for consideration. The first is : What are we to do for those who have already been trained, and who have been serving the Army, but who will soon be discharged from the Army and would be wailing for employment ? The second question is : What are we going to do with this Technical Training Scheme ?

Some people have formed the conclusion that Government have decided to liquidate the Technical Training Scheme. This is altogether untrue. It is true that Government has closed some of the training centres. We have now 170 training centres with a capacity to train about 32,000 trainees, in place of 400 training centres with a capacity to train 45,000 trainees which we had in 1942. This is due to various causes, foremost among which are two. One is the decreased intake of the Army. The other is the heavy cost of maintaining small centres.

Government's Intention

These steps only show that what Government has done is to make necessary adjustments called for by the exigencies of the situation. They do not indicate any intention on the part of the Government to liquidate the Technical Training Scheme. If such was the intention of the Government, the Government need not have constituted this Committee. No plan for the future development of the country can be deemed to be complete which does not provide for technical and scientific training. This is the age of Machine and it is only those countries in which technical and scientific training has risen to the highest pitch that will survive in the struggle that will commence when the war is over, for maintaining decent standards of living for their people. The Government of India is not oblivious to these considerations and would like to see the Technical Training Scheme not only maintained but extended all over the country and become a permanent part of the country's educational system.

Industry Should Absorb Trainees

While this is the objective of the Government, the success of the Scheme must depend upon the possibilities of the trainees getting employment. If the trainees, after they are trained, fail to get employment, then the Technical Training Scheme is doomed to failure. The answer to this question must entirely depend upon the attitude of the Industry to the trainees coming out from the training centres. The whole fate of the Scheme depends upon it. If the Industry refuses to employ the trainees it is obvious that nobody is going to bother about technical training, and the training centres will have to be closed down. This unfortunate consequence can be averted only if civil industries were to show eagerness to absorb our trainees.

Out of the 6,000 surplus trainees, civil industry has only taken 3,000.

Indeed, they prefer to employ untrained workmen in the expectation that they will acquire the necessary skill and training in the course of employment or as apprentices. This reluctance to employ the trainees from our technical training centres may be due to various causes. I have heard of complaints that our training is inadequate. Civil industry insists on their technical personnel possessing a higher degree of skill than can be provided by our Scheme, in which we attempted—no doubt under the pressure of war—to give technical training in 8 months which before the war took 5 years.

I am, however, satisfied that it is not at all necessary that a training scheme should run the full length of a five-year course in order to satisfy the requirements of civil industry. Experience gained by wartime technical training schemes in other countries shows that with intensive training semi-skilled men can be quickly trained for most industries.

Industry's Responsibility

If, therefore, the training imparted under the Technical Training Scheme is supplemented by further 'biased' training, the final product should be acceptable to civil industry. I am, however, prepared to admit that there are faults in our Training Scheme. I am also prepared to accept any reasonable changes that may be suggested to make our trainees passable to Industry. But unless Industry agrees to absorb our trainees, there is no hope of a technical training scheme being made a success in this country. Industry therefore should note that a very heavy responsibility lies on its shoulders.

You, gentlemen, know the needs of industry better than I do. All I can say is, that if the Scheme is to succeed it must have the cooperation of employers and workers in determining its future. We have no time to lose or else we may find that we have only won the war, but done nothing for the peace.

As I have already said we have two questions to deal with : (1) To find employment for trainees who will be discharged from the Army after the war is over and for trainees who are completing the prescribed courses of training, (2) To revise the scheme for technical training as a part of the Post-War Plan of Industrial Reconstruction. These are two distinct questions and we propose to tackle them separately. That is why we have thought it desirable to proceed by two stages. Relevant to the second stage is the question : What changes can be made in our Technical Training Scheme to make it serve fully and completely the present-day needs of civil industry. It involves the consideration of the long-term policy, of providing trained technical personnel for the postwar industrial development of the country.

Employment of Skilled Workers

On the other hand the problem we have to consider as relevant to the first stage is to find ways and means for the rehabilitation of the thousands of our skilled workers, turned out by our training centres, now serving in the Army

but who will be soon thrown out of employment at the close of the war. Our expectation is that Industry should not find it difficult to take over these men, especially, as we hope that there will be a post-war expansion of civil industry and a consequent increase in the demand for men technically trained.

The immediate problem before us is: How to fit them to our peacetime industrial structure, we want to examine the difficulties connected with it and to plan to meet them well in advance. To accomplish success in this we have to see what further training and what additions and modifications in our training syllabuses, or introduction of subsidiary courses are necessary in order to make our trainees more acceptable to existing industries. The results of your deliberations will determine what future progress we can make in the next stage. The two stages are closely connected and the second is no less important than the first.

I do not wish to take more of your time as I know you have a heavy agenda. But before I close I should like to say how important it is that we should have an adequate supply of skilled personnel if we are to plan a brighter future for our country. It is only by tripartite cooperation between Government, employers and workers that we can hope to develop a technical training scheme on sound lines. I would here make a special appeal to employers and industrialists. Their specialised knowledge and experience is invaluable but no less is their future co-operation in maintaining any technical training scheme that may be set up by Government.

One word more and I will close. Is unemployment to be the fate of the trainees who have gone to the Army and who will before long be returning to civil life ? Is that to be reward of the services they have rendered and the risks they have taken ? I am sure we shall not fail them. If we neglect them, they will constitute a powerful centre of discontent in industry. Suitably accommodated in civil life after the war, they will help to give stability to industry. They will bring to civil industry the sense of discipline which they have acquired in the Army. It is for you to say what measures Government must take to re-condition them for civil employment. I can assure you Government will not only be grateful to you for your advice but will do its best to give effect to such measures as may be found reasonable and practicable.

Committee's Discussions

Later the Committee discussed *various* problems relating to technical training and emphasised the importance of improving educational standards of technical trainees. Mr. S. Lall, Joint Secretary, Labour Department, presided.

* * *

Visit To Employment Exchange

Dr. B. R. Ambedkar, who arrived in Calcutta on August 23, inspected the

Calcutta Employment Exchange, accompanied by Mr. S. Lall, Joint Secretary to the Government of India, Department of Labour, and formerly Deputy High Commissioner for India in London.

The Labour Member discussed various matters relating to the operation of the Employment Exchange Scheme in Calcutta and the working of the National Service (Technical Personnel) Ordinance with Mr. A. Hughes, Labour Commissioner with the Government of Bengal. There was also a discussion on Government of India's policy to close down technical training centres as far as it affected Bengal.

Dr. Ambedkar saw a large number of workmen who had come to the Exchange for registration. Mr. Hughes and Mr. Bennett (Manager of the Exchange) explained the process of registration and the card index system.

Rise In Employment Figures

The Labour member noted that there was a progressive rise in the figures of men registered *for and placed* in employment 'through the Exchange. He was informed that according to the latest available figures 1,029 ex-trainees of the Technical Training Scheme had been registered at the Employment Exchange and out of this number 388 were placed in employment. The total number of technical personnel registered at the Exchange from January, 1944, to July 31, 1944, was 2,264 and the number of those placed in employment in the same period was 537.

Dr. Ambedkar and party were also shown a chart giving up-to-date information about the progress of Technical Training Scheme in Bengal. He was informed that there were 24 centres with a training capacity of 4,164 in addition to 15 civil centres with a training capacity of 2,270. Seventeen of these centres were technical institutes and two belonged to industrial undertakings. Up to July 31, 1944, 2,540 trainees who had passed out of these training centres were posted to civil industry. The Labour Member also visited the Government of India press and the central stationery office.

Later in the day he addressed members of the trade Union Advisory Committee set up by the Government of Bengal and discussed the working of orders recently issued by the National Service Labour Tribunal.

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Plenary Session of Tripartite Labour Conference

Dr. B. R. Ambedkar's Address

Presiding over the sixth plenary session of the Tripartite Labour Conference which began in New Delhi on October 27, the Hon'ble Dr. B. R. Ambedkar, Labour member, Government of India, suggested changes in the constitution of the Conference to remove organisational weaknesses discovered during its two years' existence.

He suggested that the subjects coming within the purview of the Conference should be divided into two lists: List 1 to contain all general subjects, such as terms and conditions of employment, labour legislation and questions relating to social security, and List 2 to include all concrete questions relating to labour welfare and administration of labour laws.

Here is the full text of Dr. Ambedkar's speech: " It would be a very easy and very pleasant task indeed for a Chairman if his opening address was to be nothing more than a word of welcome and a word of gratitude to the delegates assembled. Convention requires that a Chairman must say something more than that. For a Chairman of a Labour Conference such as ours, it is not an easy matter to select his theme. This is not a Conference of philosophers. He cannot therefore play the part of the pedant and get over without committing himself to anything by indulging in intellectual acrobatics which have no social import. This is not a Conference for the reconstruction of society, and the Chairman cannot fill his opening address with a disquisition on capitalism, socialism, communism and other ideologies.

" This Conference is not a meeting of an ethical society, and the Chairman cannot choke it up with appeals to righteousness to stir up emotions. I do not know what is the best pattern for an opening address by a Chairman to the Labour Conference. For the purposes of this session I propose to get over the difficulty by using this opportunity of addressing you on matters of practical importance. I feel sure that you will not regard it as inappropriate.

" There were two matters in particular which I wanted to cover which must be of interest to members of the Conference. Firstly, to give you a survey of the action taken by the Government on various questions which have been discussed by the Conference and the Standing Labour Committee and secondly, to refer to the defects in the constitution and procedure of the Tripartite Organisation.

" The first subject proved too large for this address. It would have taken a good lot of your time which having regard to your Agenda, you could ill-afford to give. I therefore thought of presenting you a separate Memorandum (Printed with this speech) on the subject. You are already in possession of that memorandum. It may be taken as part of my address.

Tripartite Organisation

" There remains the other subject for me to deal with, namely, the question regarding the organisation and procedure of this Conference. We have had two years' experience of the working of the Plenary Conference and the Standing Labour Committee. That experience cannot be called long. But short as it is, it has revealed some weaknesses in the organisation we have set up. The following appear to me rather serious:—

(1) There is no clear cut division .of functions between the Conference and the Standing Labour Committee. It is not that one is a deliberative body and the other is an executive body. Both are deliberative.

(2) There is overlapping in the work they do. The subjects discussed by both are of the same nature.

(3) There being no clear cut distinction between general questions and concrete problems, the discussions in the Conference as well as in the Committee become too general to be of much use, even concrete problems are treated as though they were general.

(4) There is no machinery to undertake the task of examining special problems and reporting upon them. It is an important function and there must be some machinery charged with such a function.

(5) There is no machinery to study and advise on problems of labour welfare, industry by industry.

Separate Secretariat

" A second weakness in the organisation has also been pointed out by some members of the Conference. It relates to the non-existence of a separate Secretariat for the Labour Conference. It is suggested that there should be a separate Secretariat to take over the following functions namely:—

(a) Preparation for meetings (i.e., circulation of papers, informing members of the dates fixed, agenda, etc.) ;

(b) Preparation of records of the proceedings ;

(c) Propaganda by issue of leaflets and tours ;

(d) Financial administration such as payment to staff and T.A. bills of non-Government members attending the Conference ;

(e) Research and collection of information to serve as a basis of discussion and recommendation ; and

(f) Check-up of the action taken by Government. "There are two other matters which have given ground for complaint. One of these relates to the preparation of the Agenda of the Labour Conference and the Standing Labour Committee. The existing procedure in the matter of the Agenda is said to be defective in two respects. First, members of the Conference and the Committee are not entitled to have matters in which they are interested placed on the Agenda at their will. The second defect is that the memoranda which accompany the Agenda reach members so late that they have no time to study and be prepared to make their contribution to the discussion of the subject.

" Another matter which has given rise to complaint relates to the representation of the different parties on the Conference and on the Standing Labour Committee. The employers have stated that it is objectionable on the part of Government to reserve three seats for employers to be nominated by Government. It is their contention that the Employers' Federation of India and the All-India Organisation of Industrial Employers are fully representative of the employer class in India and that therefore the provision for appointing

more employers' representatives by nomination is unnecessary. The method of representation of labour is also said to suffer from one defect, namely, that among those who represent labour there is none who belongs actually to the labouring classes.

" You would naturally want me to tell you what action Government is prepared to take in this connection. I am anxious on my part to do whatever is possible to see that the Labour Conference functions properly and does not suffer in its working by reason of any serious fault in its mechanism. You will, however, realise that these are matters which require exploration and examination before any definite conclusion can be arrived at. Of these weaknesses some have been examined by Government and decisions have been arrived at. There are some which have not been examined as yet. I will first refer to those about which Government have after consideration come to a decision. They include the question of separate Secretariat, Agenda and Representation.

Only An Advisory Body

" The demand for a separate Secretariat for the Labour Conference is, I think, based on the analogy of the I.L.O. Government think that there is a fundamental difference between the I.L.O. and our Tripartite Organisation. It lies in the fact that the I.L.O. is an independent organisation created by the Peace Treaty of Versailles. Its conventions and recommendations place definite obligations on all State-Members and failure to fulfill those obligations involves certain definite international liabilities. It is regulated by its own constitution and is not subject to any outside authority. In addition to this the I.L.O. has its own finances and is not dependent upon any other state or Department for meeting its liabilities when it chooses to undertake any new function.

" Our Tripartite Organisation is not independent in the same sense as the I.L.O. is. It has no independent finances and it cannot have any. It is only an advisory body which is constituted to advise the Government of India on such matters as are referred to it for advice. It cannot take decision. To allow it to do so would be to permit it to usurp the functions of the Legislature. Having regard to these differences, it is obvious that an independent Secretariat for the Labour Conference will create friction between Government and the Conference.

" It is true that the efficiency of the I.L.O. is derived largely from its Secretariat and its capacity to turn out good material. Nonetheless the Government of India feel that all the functions of that Secretariat with the exception of " Research and Information " are such as can be discharged efficiently by the Labour Secretariat of the Government of India. As regards ' Research and Information ' the Labour Department have certain proposals under consideration for reorganizing its activities which *inter alia* will set up

necessary machinery for research and collection of information on labour and allied questions. For those reasons the Government of India do not at present favour the idea of a separate Secretariat for the Tripartite Organisation.

Right To Fix Agenda

" On the question of the Agenda, Government have considered the matter. The decision of the Government is that they cannot surrender the right to fix the Agenda of the Conference. The Conference is not a Legislature. It is an advisory body and Government must determine what are the matters on which they need advice.

" There is another reason why Government cannot surrender the right to frame the Agenda for the Conference. It is not possible for Government to accept an obligation to place a subject on the Agenda unless Government are in a position to furnish the Conference factual statements which would help and guide members in their deliberations and have had time to examine the matter sufficiently enough to be able to express their own view. It is not possible for Government to be ready with such statements without sufficient notice. But, subject to their right to frame the Agenda, Government are prepared to revise the procedure.

" According to present procedure the Labour Department invites suggestions from Governments, and Employers and Workers Associations after the conclusion of a meeting from which items are selected for an Agenda for the next meeting. There is no consultation between Government and the Conference or Committee before a decision is taken by Government in selecting items for the Agenda. Under the revised procedure Government will be ready to receive suggestions for the Agenda whenever Government, and Employers and Workers Associations may desire to send them in. In case they fail, Government will invite suggestions from delegates at each meeting.

" The other change which Government are prepared to make is that while the Final decision will be that of the Government, all suggestions received for the framing of the Agenda will be placed for discussion at each meeting. This will give Government the opportunity to consult the wishes of the members and the members will have the opportunity to express their preference. I am sure you will agree that this is a great improvement on the present position.

" On the question of the composition of the Conference I admit that there is much force in the suggestions which have been made. If the two employers' organisations are fully representative, as they claim to be, obviously there is no justification for nominating employers. In the same way, it is necessary to see that the working classes should have not only their problems of employment and welfare considered but that they should be trained to do their things for themselves. This can be done by allowing working men and working women to participate in all Labour Conferences. You must have been

aware of the fact that recently when the Coalmines Welfare Committee was organised Government took the step of appointing one working man and one working woman in the coalmines to represent the working classes on the Committee.

Constitution: Some Suggestions

" Government are therefore not averse to making appropriate changes in the composition of the Conference. At the same time. Government feel that matters relating to changes in the composition of the Conference are not very urgent and we could well afford to postpone their consideration for a while. As I said in the course of the first Tripartite Conference, we must not keep on pulling out the plant every now and then to see whether it has taken any roots. This is a way to kill the plant.

" I will now turn to the weaknesses in the constitution of the Conference. This is a weakness which Government admit is a serious one and must be remedied. But Government had not arrived at any conclusion. Government would welcome any suggestions that you may like to make. May I place before you my views on the matter ? I would suggest the following changes in the constitution :

(1) To divide the subjects which come within the scope of the conference into two lists. List I will contain all general subjects such as (a) terms and conditions of employment; (b) Labour Legislation; and (c) questions relating to social security. List II will include all concrete questions (a) relating to labour welfare and (b) relating to the administration of labour laws. Subjects in List I will be assigned to the Plenary Conference, which I would propose should be called by the simple name Labour Conference dropping the words ' Plenary and Tripartite ' which has made the name too mouthful.

(2) To create a new body to be called Labour Welfare Committee and assign to it subjects following in List II.

(3) The composition of the Labour Welfare committee will be as follows : (a) members elected by the Standing Labour Committees ; (b) one representative of the Employer and one representative of the employees drawn from organised industries and municipal and other bodies employing labour; (c) persons nominated by Government from non-officials; (d) persons representing Indian States ; and (e) representatives of Provincial Governments.

(4) There will be no change in the Standing Labour Committee so far as its composition is concerned. Only there will be a change in its function. It will not be a deliberative body. It will "be the agent of the Conference and will perform such of the duties assigned to it by the Conference from time to time.

" Under this arrangement there will be three organs : the Conference, the Standing Committee and the Welfare Committee.

" The functions and powers of the Conference will be as follows : (1) To

make recommendations to Government on matters relating to terms and conditions of employment and all questions of social security which might be placed on the Agenda.

(2) To refer any such matter or any part of such matter to the Standing Labour Committee with a direction: (a) to make a report back to the Conference, or (b) make a recommendation to the Government.

(3) To appoint an *ad hoc* committee to consider any matter on the Agenda with a direction to report : (a) to the Conference : (b) to the Standing Labour Committee with a view to making recommendation to Government and making a further report to the Conference.

The functions and powers of the Standing Labour Committee will be such as may be conferred upon it by the Conference. It will be an agency of the conference and will derive its authority from the Conference and will, with the exception mentioned below, conduct no business other than that which has been delegated to it by the Conference. It will, however, be open to Government to refer a matter on which they want an early opinion direct to the Standing Labour Committee for report either to the Conference or the Government. But ordinarily any report or recommendation of the Standing Labour Committee should be made to the Conference. " The powers of the Standing Labour Committee will be :

(i) to make recommendations or reports to the Conference on matters referred to it by the Conference;

(ii) to make recommendations to Government in a case in which the Conference has directed the Standing Labour Committee to report to Government ; and

(iii) to appoint *ad hoc* Committee to consider any matter on the Agenda with directions to report to the Standing Labour Committee.

Labour Welfare Committee

" The functions of the Labour Welfare Committee will be confined to matters relating to Labour Welfare and administration of Labour Legislation. Its powers will be to consider all such matters placed before it and to make recommendations to Government.

" These are my proposals for removing the organisational weaknesses that have been discovered. They are put before you in my personal capacity as a Member of this Conference. No greater weight attaches to them though the approach, I may say so, seems to me to be sound, I propose to have these proposals examined departmentally in the Government of India. If they are found to be workable the conclusions of Government will be placed before you for your deliberation. This organisational grievance I regard as a very serious matter and I promise to treat it as a matter of urgency.

" I have said all that need be said on matters relating to the Conference, reconstituting the various bodies which form parts of it, recasting its

procedure and reforming its personnel. I hope you will agree that Government are keen on improving its efficiency and enhancing its utility.

Labour Legislation

" There are two other matters to which I would like to make a reference. The Legislative Programme of the Labour Department for the coming session of the Assembly comprises three Bills : Factories Amendment Bill, otherwise known as Bill for Holidays with Pay : Trade Unions Amendment Act which seeks to provide for the recognition of Trade Unions ; and Payment of Wages Amendment Bill. The first two have been considered by the Conference. The third Bill is a new bill and is, according to our procedure, laid before you for discussion.

" As you are aware the 26th Session of the International Labour Conference was held at Philadelphia in U.S.A. in April last. There was an Indian Delegation which attended the session. It was led by Sir Samuel Runganadhan, High Commissioner for India in London. The Government of India were represented by the Hon'ble Mr. H. C. Prior, C.S.I., C.I.E., I.C.S., Secretary to the Labour Department, Mr. D. G. Mulherkar represented the Employers and Messrs. Jamnadas Mehta, M.L.A., Mr. Aftab Ali and Mr. R. R. Bhole represented the Employees. You will, I am sure, join with me in recognizing publicly the splendid part that they played and the great work they did at the Conference. The delegation has made a report which is placed before you. I am sure you will find it both interesting and instructive.

" There is nothing that I can usefully add. I will therefore conclude with thanks for your having given me a patient hearing. Let us begin the work which is awaiting us."

Dr. Ambedkar's Memorandum

An indication of the action taken by the Central Government subsequent to the discussions at the Tripartite Labour Conference and its Standing Labour Committee is given by Dr. Ambedkar, in the *Memorandum* placed before the Labour conference. Among the subjects covered by the Memorandum are: Settlement of trade disputes, Labour welfare, Food supplies to industrial labour, Fair wage clause in Government contracts, Labour Officers in industrial undertakings, Employment exchanges. Industrial statistics, Involuntary unemployment, Labour representation, Social Security, dearness Allowance and Industrial canteens.

The consensus of opinion at the third meeting of the Standing Labour committee in May, 1943, was that the Government of India should proceed with the establishment of employment exchanges. A proposal to prohibit advertising for technical personnel was also put forward by the Central Government and was generally approved. Both these proposals have been given effect to. Exchanges have been opened at a number of centres to provide employment to technical personnel.

General opinion at this meeting was also in favour of (1) a certain degree of continuity being maintained in the adjudication machinery, and (2) the whole policy regarding trade disputes being laid down *de novo* and a new Act being enacted in place of the existing Trade Disputes Act, 1929, encouraging internal conciliation. While proposals for fresh legislation are under consideration the Central Government have brought item (1) to the notice of the Provincial Governments who have, as far as possible, maintained continuity. Government have under consideration proposes for fresh legislation on the question of trade disputes.

Bevin Training Scheme

Another question which arose out of this meeting was that organised labour should be associated with National Service Labour Tribunals for selecting Bevin trainees and that Tribunals should consult prominent trade Unions in their area at the time of selection of candidates. This method of selection is under consideration for selecting trainees. On the labour welfare side the committee's suggestion that the Welfare Fund should be built up for housing, education, etc., is under Government's consideration, but, the Memorandum says, there are great difficulties in devising any practical scheme.

At the second meeting of the Standing Labour Committee in January, 1943, a resolution was adopted recommending distribution of food supplies to industrial labour through employers' grain shops, associations of approved and recognised trade unions or other representatives of employees in the working of such shops, encouragement of cooperative grain shops to industrial labour, etc., etc. These recommendations are brought to the notice of the appropriate authorities. With the introduction of rationing in large cities and towns and its gradual extension to smaller towns, the measures recommended are now out of date. But the rationing authorities use the agency of the employers' grain shops as much as possible.

Fair Wage Clause

The Memoradum further refers to a fair measure of agreement reached at the third Standing Labour Committee meeting in May, 1943, on the provisions of fair wage clause in Government contracts. It is stated that the Central Government have already " a fair wage " clause in the Central P.W.D. contracts.

In their own undertakings, the Central Government are giving effect to the recommendation that labour officers should be appointed as far as possible for all large industrial undertakings. Provincial and State Governments and private employers have also been requested to do so and, according to a report received from the Indian Mining Association, they have appointed personnel officers.

The Committee's suggestion that matters under dispute should be specified in the order referring dispute to adjudication, and the defence of India Rule 81

(a) has been amended accordingly. The attention of the Provincial Governments has been drawn to the desirability of making a provision in the adjudication order that workers whose conduct is under investigation or who are immediately connected with the dispute shall not be discharged by the employer except for misconduct unconnected with the dispute or with the approval of the adjudicator or other prescribed authority. The question of collecting statistics of wages and earnings and hours of work for selected industries on an all-India basis is under active consideration.

Involuntary Unemployment

The fifth Labour Conference at its session in September, 1943, unanimously agreed that some kind of relief was necessary for cases of involuntary unemployment of workers due to shortage of coal, raw materials, etc. The Central Government have issued a circular letter to Provincial Governments advocating the adoption of principles set out therein, for grant of relief, and this letter has also been brought to the notice of the States concerned. At this session Labour had put in a strong plea for adequate representation in legislatures, local bodies and statutory committees, etc. The matter is under consideration and the Memorandum points out that labour is represented on " Central " official committees such as the Reconstruction Policy Committees, Central Health Survey and Development Committee and Central Food Advisory Committee.

Wages And Earnings

This session adopted a resolution for the setting up of a machinery to investigate the question of wages and earnings, employment and housing and social conditions generally with a view to providing adequate materials on which to plan a policy of social security for labour. In pursuance of this resolution a Labour Investigation Committee has been constituted and its report is expected to be received by the middle of 1945.

The Memorandum points out that Provincial Governments and States, and employers and workers associations were consulted about introduction of standing orders in industrial concerns employing 250 or more persons, and that there was general opposition to take statutory powers under the Defence of India Rules. It is proposed to enact permanent legislation on the subject at an early date. In the meantime the two all-India bodies of employers have been requested to frame standing orders forthwith without waiting for legislation to be completed. A memorandum designed to be of assistance to the employer in framing the Standing Orders has also been circulated.

The discussions of Statutory Wage Control at the fourth Standing Labour Committee meeting resulted in a fair measure of agreement regarding the form of machinery for the regulation of wages. The question as to what industries may be covered by legislation was on the Agenda of the present session of labour conference.

Industrial Canteens

Committees have been set up in four Provinces, i.e., Bombay, the United Provinces, Bengal and Bihar, to investigate the question of standardisation of definitions of trades and the recommendations of these committees are awaited. As suggested at this meeting representatives of labour are associated with the Central Exchange through the Employment Committees constituted for advising National Service Labour Tribunals in regard to the administration of Employment Exchanges.

The Memorandum further refers to the steps taken by the central Government to encourage workers' canteens in industrial concerns. They have sanctioned rent-free accommodation and free furniture and cooking utensils in canteens run by Government or by the workers or by both jointly and, under certain conditions, even in the canteens run by contractors. Supply of rationed foodstuffs to canteens outside the rations has also been sanctioned.

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The Factories (Second Amendment) Bill Holidays with Pay for Factory Workers

The Honourable Dr. B. R. Ambedkar (Labour Member) : Sir, I move:

" That the bill further to amend the Factories Act, 1934, (Second Amendment) be referred to a select Committee consisting of Nawab Siddique Ali Khan, Khan Bahadur Shaikh Fazl-i-Haq Piracha, Mr. R. R. Gupta, Mr. A. C. Inskip, Sir Vithal N. Chandavarkar, Rao Bahadur, N. Siva Raj, Mr. N. M. Joshi, Mr. D. S. Joshi and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The provisions of the Bill fall into two parts and I think it will be desirable from the point of view of simplicity in the matter of presentation if I explained to the House the provisions of the Bill in two separate forms.

Part I of the Bill deals with compensatory holidays for the loss of compulsory holidays. Members will realise that in section 35 of the Factories Act it is obligatory upon the owner or manager of the factory to give one compulsory holiday to every adult worker in the factory. This provision which is contained in section 35 is subject to the provisions contained in sections 43 and 44. Section 43 and 44 provide that the Inspector of factories may permit exemptions being granted to the manager of the factory or factory owner from the obligations imposed by section 35. The view that is taken is this that when such exemptions should be granted, they ought to be compensated by other holidays, equivalent in number. Health and efficiency of the worker requires that he should have the requisite number of holidays which are prescribed by law. The Act, as it stands, makes no such provisions for compensatory holidays. Consequently, clause 2 of the Bill has been introduced for the purpose of removing this lacuna. It will now be open for the Provincial

Governments to make rules subject to certain adjustments that wherever exemptions have been granted under section 35, compensatory holidays of the equivalent amount shall be granted to the workmen. This is the first part of the provisions of the Bill.

Labour Convention

Coming to the second part of the Bill, the provisions contained therein deal with the question of holidays with pay. It might be desirable at the outset to state to the House the origin of this part of the Bill. Many members of the House will recall that in 1936 the International Labour Conference passed a convention relating to the holidays with pay. The Government of India, which was represented at that International Labour Conference, was not prepared to accept the convention and to ratify it. A Government Resolution was moved in the Assembly on the 26th July, 1937, proposing the non-acceptance of the convention. The Resolution was carried. But while the Government did not find itself in a position to ratify the convention, the Member in charge of the Resolution said that the government would explore and examine the possibilities of giving effect to the convention, if not wholly, at any rate, in part and undertook to have consultation with the Provincial Governments and all the Associations representing the employers and employees to find out to what extent there was a general agreement in the matter of this convention. Part II of the provisions which relate to holidays with pay are the result of this examination and exchange of views which have been going on over a considerable number of years.

Perennial Factories

Turning to the Bill itself, it will be seen that the Bill applies to factories and it applies not to all the factories, but to perennial factories only. The Bill undoubtedly is limited in its scope as compared to the provisions contained in the convention which was adopted in 1936. With regard to the other provisions, I think it will be better if I divide my observations in four parts so as to cover separately the four points which legislation concerning holidays with pay must necessarily deal with.

1. Length of holiday. 2. Qualifying conditions for a right to a holiday. 3. Limiting conditions. 4. Pay during holiday. With regard to the first point, namely length of a holiday, this is a matter which is dealt with in the new section 49-B which the Bill proposes to add to the Factories Act. According to this section, the total holiday is to be on seven consecutive days for a worker who has put in a continuous service for one year. It might be asked as to why we have taken seven days and not more. The reply to that is that in fixing this period of seven days, we have followed the provisions contained in the Geneva convention of 1936 which laid down six days as the limit of the holiday. To that we have added a seventh day which is a compulsory weekly rest granted to a worker under section 35 of the Factories Act. With regard to

the question of qualifying conditions laying down as to when a worker will be entitled to claim a seven days holiday, the provisions contained in the Bill are as follows. As a matter of fact, there is really only one condition and that is that the worker must have put in a period of twelve months continuous service. There is no other condition. With regard to the question as to what is continuous service of twelve months, the bill provides for what are called interruptions and declares that certain interruptions shall not invalidate the claim for holidays with pay. The interruptions which are mentioned in the Bill are interruptions arising out of sickness, accident, authorised leave, lock-out period and a strike period provided the strike is legal.

Involuntary Unemployment

There is also another provision in the bill which relates to the same subject and that is the question of involuntary unemployment caused by the desire of the factory owner to close the factory. We have limited that to a period of 30 days. If the involuntary unemployment caused by the factory manager does not extend beyond 30 days, then that would not invalidate the claim of the worker for his right to holidays with pay. It might be necessary perhaps to mention why we have prescribed only 30 days. The explanation is this. Holidays with pay must necessarily take into account the ability of the manager or the factory owner to pay and the view that is taken in the Bill is that if the manager or the factory owner is obliged to close his factory for more than 30 days, then I think it is legitimate to presume that he has really not been prospering as well as he ought to and that he is, therefore, not in a position to pay the cost for holidays with pay. But if the involuntary period does not exceed 30 days, then the presumption is that he is still able to bear the cost and should bear. The Bill also provides for limited condition with regard to holidays with pay and that limited condition relates to the question of accumulation of holidays. The Bill provides that a worker who has been qualified to earn his holidays may be entitled to accumulate holidays for two years and that is for a total period of 14 days.

Pay during Holidays

Coming to the question of pay during holidays, there are several points to which I should like to draw the attention of the House. The first is that although the total period of the holiday is seven, only six are declared to be paid holidays. The seventh, as I said, is really a day of weekly rest provided under section 35. With regard to the seventh day, the Bill does not make it obligatory upon the employer to pay for it. But at the same time the bill does not take away the right of the employee to demand payment, if as a result of his contract of service that holiday was due to him as a paid holiday. It is really left to be governed by the contract of service.

The third point is with regard to the payment to be made for these six

holidays. The rule that we have adopted in the Bill is a rough, and I believe, an equitable rule and it is this : that a worker is to be paid at a rate equivalent to the average of his earnings during the three preceding months barring overtime. I believe that is an equitable principle. The Bill also provides that in order to enable a workman to take his holiday, some facilities should be given him in order to have some cash with him on the day on which he proposes to start on his holiday. Consequently provision is made in the Bill that half the dues which are to be paid to the workman going on holiday shall be paid to him at the start.

Another matter which is relevant to this, and is also important, is this. The Bill proposes to exempt certain factories from its operation if it is found that a factory has a system of holidays with pay which is substantially similar to the one provided in the Bill and about whose satisfactory character the Provincial Government is able to certify. The object underlying this clause is that if there is a voluntary arrangement between the employer and the worker whereby the worker is given the same privileges which we are providing in the law, the view taken by the Bill is that in so amicable an arrangement it is unnecessary for the law to enter.

Sir, these are the main provisions of the Bill. There are two other matters to which I should like to make a reference before I sit down. The first is the question of a discharge of a workman by the employer to prevent him from earning his holiday. The second question is the employer inducing a workman not to take his holiday although he has earned it. These are questions which I frankly admit are not being provided for in the Bill. Not that Government are not aware that such questions may arise, but the view of Government is that at the present stage, at any rate, there is no reason to suppose that such contingencies will arise. If experience shows that such cases do become usual it would be time then to amend the Act to stop their recurrence. For the moment the view I hold is that the provisions of the Bill are sufficient for the purposes which it has in view, namely, to grant holidays with pay to factory workers.

Sir, I move.

* * *

***The Honourable Dr. B. R. Ambedkar :** My task has been considerably lightened by the fact that there has been general support given to the motion which I have made in regard to this Bill and therefore in the course of the reply which I propose to make to the debate, I shall be very brief.

I had better say something straightaway with regard to the speech of my Honourable friend Dr. Sir Zia Uddin Ahmad. What I propose to say is this—that I really do not propose to say anything about what he has said and I hope we would not take it as an act of discourtesy to him, because what he has said, if I may say so, has really very little to do with the Bill which is under discussion. He has propounded a novel theory of solving the labour

problem—namely, partnership. I am sure that we are greatly benefited by the elucidation which he has given of this new ideology, and I can assure him that when the problem of our constitutional structure comes before us for discussion what he has said undoubtedly would be a matter of great use and benefit not only to myself but to all those who will be engaged on that problem.

Coming to the other speakers. I first propose to deal with the observation which fell from my friend Sir Vithal Chandavarkar. He referred to the Resolution which was moved by Sir Frank Noyce in this House with regard to the International Convention dealing with holidays with pay. I did not, if I may say so, succeed in catching exactly the point that he wanted to make by reference to that speech but I understood him to convey the fact that the Government of India had changed front.

Sir Vithal N. Chandavarkar: No, no.

The Honourable Dr. B. R. Ambedkar : That in 1936 they were opposed to it, while now they are prepared to give recognition to the principle contained in that Convention. I do not think that there has been any change in the position of the Government of India. I have read the debate with some care and attention and I am quite satisfied that the reason which led the Government of the day to oppose the Convention was because of the understanding that if a convention has to be recognised it must be recognised as a whole. It could not be recognised in part and the Government of India, as it was then advised, felt that it was impossible, having regard to the circumstances of this country, to accept the convention as a whole and although therefore they were prepared to accept the principle and also prepared to investigate the possibilities of applying it in some limited manner they could take no other course than the one which was open to them under the circumstances which then prevailed.

Now, my friend Mr. Joshi has made some points in the course of his speech. Two of his points, I must admit, are points of substance. The first point that he made was that although we were limiting the scope of the Bill we have limited it to a factory and we have not agreed to extent the principle at least to an industry. As I said, I admit that this is a point of substance but I must at the same time point out that to have applied it to an industry means that it would be necessary for us to devise some method by which we could pool the resources of those concerns which come under one particular industry. Now, although as I said, I have the fullest sympathy with the point which he has made, it is not possible for us at the present moment, without any experience behind us, to work out a pool system by which all factories within a particular industry could be made to share the cost of broken holidays earned by different employees in different factories arising out of broken periods of service in different factories. And this is the reason why it has not

been possible to make the thing applicable to industry as a whole.

The second point which Mr. Joshi made was the complaint that the holiday period provided in the Act is too short. I also admit that there is considerable force in that. 7 days is in fact too short a holiday but there again I am confronted with another difficulty, which difficulty is a difficulty which I am sure both Mr. Joshi as well as Sir Vithal Chandavarkar have to admit. The difficulty arises on account of the desultory character of our labour. Labour, as Mr. Joshi and Sir Vithal Chandavarkar both know, take long holidays for a variety of reasons and consequently the absenteeism which is prevalent on account of this habit does really complicate the matter very much. If our labour was induced or was trained to give continuous service in a factory for a large number of days than they have been doing now, I should be quite prepared to admit that the case for extension of the holiday beyond the period that we have fixed would undoubtedly be very strong but I hope that the fact that we have given seven days holiday would have its indirect effect on the labouring and working classes of this country who will realise that if they did render more continuous service than they have been doing, they would be making strong the case for the extension of the holiday beyond the period of seven days but as the situation stands, I think it would not be justifiable to go beyond the prescribed period of seven days which, if I may say so, is also the period which was recommended by the Convention.

Then, Sir, another point that was made with regard to the same question was with relation to the application of the Act to non-perennial factories, a point that was made by my Honourable friend Prof. Ranga on the other side. To that point also my reply is the same, namely, that the provision for 7 days paid holiday is made to those workmen who are not getting a sufficiently long rest, if I may use that phrase. Now, a non-perennial factory is a factory where people do get long period of rest. It may be that it is a case of involuntary employment, but I am not looking at it from the point of view of employment or unemployment. So far as the Bill is concerned, we are looking at it from the point of view of rest and so far as the non-perennial factories are concerned, the workmen certainly get a sufficiently long period of rest so that it cannot be said that in their case there is as much necessity for a paid holiday of 7 days as it is in the case of the perennial factories.

Then, Sir Vithal Chandavarkar raised a point with regard to the words at least ' in one of the amending clauses. He expressed the fear that having regard to the use of the words ' at least ' in one of the amending clauses it would be possible for Provincial Governments to direct that the factory-owners may be compelled to give more than 7 days. Now, I would like to convey the assurance that has been given to me by my legal advisers that under the amended section, as it stands, it would not be possible for the Provincial Governments to compel an employer to give more than 7 days' holiday. Another point which was made by Sir Vithal Chandavarkar was that

this was a premature measure and that, in his opinion, this measure should come last ; certainly it should come, according to his judgement, not before the Sickness Insurance Act which Government is contemplating and thinking about. I personally beg to differ from and if I had time I would have given some arguments in support of my contention. I would invite him to read the observations of Professor Adarkar in his report on health insurance for industrial workers which occur on page 112 where he will find some very strong arguments which he has produced in order to show that the holidays with pay is a measure which is so integrally connected with sickness insurance if an order of precedence was to be framed it would be necessary to give priority to the measure relating to holidays with pay before social insurance. As I said, the report is now available to the Members of the Legislature and I will not take the time of the House in repeating what has been said by Professor Adarkar on this point.

Then, Sir, another point which has been raised on both sides is the question whether a measure like this should be compulsory or voluntary. So far as the Bill is concerned, I think it strikes a very happy mean inasmuch as the Bill, while making obligatory by law to provide holidays with pay for workmen who render a certain length of service, has left it open for voluntary agreement between the employers and the employees. As Honourable Members must have seen, there is a clause in the Bill which says that if Government is satisfied that a measure of holidays with pay substantially similar to the one which has been contained in the provisions of this Bill is introduced voluntarily by an employer and the Government is satisfied of its efficacy. Government has been giving power to exempt a factory from the obligations in this Act. I find that the position in Great Britain is also similar in this matter. Under the British system, there is a Holidays with Pay Act of 1938 and 2,300,000 people are covered by it. The rest of them, namely, 5 millions, get it under voluntary agreement, not under the Act and 4,000,700 get under what is called a long-standing custom.

Sir Cowasjee Jehangir: Where is the provision whereby an employer can postpone giving that leave ?

The Honourable Dr. B. R. Ambedkar: I am coming to that. Now, Sir, one other point I wanted to deal with, as I said, was this compulsory versus voluntary.

The other point that was raised by my friend Prof. Ranga and also by Mr. Chettiar was that we have made no specific provision against an employer entering into an unfair practice whereby he would discharge an employee in order to prevent him from earning his holiday. To that point I had referred in my opening speech when I made the motion and I said that while Government is aware that certain practices may develop, Government does not think that they ought to take any action straightway. Government would prefer to wait and watch and see which side resorts to what sort of stratagem

in order to over-reach the other side. But, as I said if there is a strong feeling on the point and those who represent labour are able to convince the Select Committee that it is necessary straightway to have a provision entered into the Act itself to prevent any such practices, it will be open to them to move and get it through. Government does not regard that as a matter of principle and will not stand in the way of the thing being done in the Select Committee.

The other point which has been raised is whether this question of leave should be entirely made dependent upon the wishes of the employee, namely, that the employee should have a right to determine from what date and at what time he should exercise his holiday. Now, we have deliberately made no provision in the Bill for that and we have left it to the Provincial Governments to make rules to regulate what should be done with regard to that particular point. I think it would be desirable in an experiment of this kind not to tie down everything by statute. It would be better if the matter was left to be regulated by rules for which the Bill authorises the Provincial Governments to make, because, as the House knows, it is much easier to change a rule than to change a statute. But as I said, if the parties to this Bill who are concerned and affected do desire that this should be made the subject matter of a statute, it will again be open to the Select Committee to do so.

I do not think there is any point raised by any Honourable Member which I have not covered and I therefore do not propose to say anything more in support of the motion I have made.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

" That the Bill further to amend the Factories Act, 1934 (Second Amendment) be referred to a Select Committee consisting of Nawab Siddique Ali Khan Bahadur Shaikh Fazl-i-Haq Piracha, Mr. R. R. Gupta, Mr. A. C. Inskip, Sir Vilhal N. Chandavarkar, Rao Bahadur N. Siva Raj, Mr. N. M. Joshi, Mr. D. S. Joshi, and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five." The motion was adopted.

38

The Payment of Wages (Amendment) Bill

The Honourable Dr. B. R. Ambedkar (Labour Member): Mr. Deputy President, I move :

" That the Bill further to amend the Payment of Wages Act, 1936, be referred to a Select Committee consisting of Seth Yusuf Abdoola Haroon, Mr. Muhammad Hussain Chaudhury, Mr. Lalchand Navalrai, Mr. A. C. Inskip, Sir Vithal N. Chandavarkar, Mr. N. M. Joshi, Dr. Sir Ratanji Dinshaw Dalal, Mr. D. S. Joshi, and the mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, the Payment of Wages Act, to which the present Bill proposes to make certain amendments, was passed in the year 1936. This Bill, at the time when it was passed, was recognised as an experimental measure for the simple reason that when the Bill was drafted we had not before us any model piece of legislation on which we could have modelled the measure which is embodied in this Act. We have had now an experience of practically six years of this measure and in the course of the working it has been discovered that the Bill suffers from many defects. If I may tell the House, it has been pointed out that there are practically 30 or 40 amendments which it is necessary to make to improve the Payment of Wages Act. The government of India realise that at present they have not got the time to devote to all the amendments to the measure which different parties have suggested and consequently they do not propose to engage themselves upon improving the Act and to remove all the defects that have been suggested. What the Government of India proposes to do through the present amending Bill is to take certain defects which are of such administrative importance that unless and until those defects are removed, it will be difficult to administer the measure with the intention which lay behind the act when it was passed.

Sir, taking the Bill clause by clause : Clause 2 of the Bill seeks to make certain amendments in the definition of the word " wages ". I do not wish to weary the House by repeating seriatim the defects which different parties to the Bill have suggested that they have found in the present definition of the word ' wages ' as it stands. But I might mention some important ones. It has been said in a judicial decision given by the High Court of Bombay that the present definition of " wages " is so drafted that it is possible for a workman not only to claim wages which he has earned but also wages which might be called potential wages-wages which he might earn. That certainly was not the intention of the original measure. Another defect which has been suggested with regard to this definition is that it allows a workman employed on the outturn basis to claim wages irrespective of his outturn. It has been suggested that there is a confusion in the definition which does not quite distinguish the case of a workman employed on a time basis and a workman employed on outturn basis. It has also been suggested in certain quarters that some of the words which now occur in the definition are superfluous, that they need not be there and that their presence only causes confusion. I might refer to the words " includes any bonus or additional remuneration of the nature aforesaid which would be so payable ". It has been suggested to us that these words may not have any meaning other than the one which is already included in the previous part of this definition. It has also been suggested that while the definition of " wages " was adequate before the system of dearness allowance brought about by the war came into existence, the definition today is inadequate because it is open for an employer to argue that the dearness allowance is not part of wages.

Now, the definition that we have suggested in the amending Bill seeks to remove all these difficulties. It seems to make the definition simple. I ought to tell the House that I am myself not very confident that the draft, as it stands in the amending Bill, carries out the intention which lies behind this original Act. I do not regard the definition which we have proposed as sacrosanct and if the members of the Select Committee are able to suggest a better one I should certainly raise no objection to the further amendment of the definition as it now stands in the amending Bill.

Coming to clause 3, it is a clause which makes two amendments to the present section 5. As the Honourable Members will remember, section 5 is a section which prescribes the period during which wages must be paid ; and for the purpose of prescribing the period for the payment of wages, the section divides factories into two categories. In one category are placed factories which employ workmen whose number is less than 1,000. In the second category are placed factories which employ more than 1,000 employees. After making this division, the section provides that in the factories which come into category No. 1, payment must be made within 7 days, while in the case of the latter the limit of the period is prescribed to be 10 days. In actual practice it has been found difficult to observe the terms of this section, and the reason for that is very simple. The division of the factories is based upon the number of employees. As the House will realise, the number of workmen is never a constant figure ; it always changes. For instance, if the number of employees goes down by one, the category automatically shifts from category No. 1 to category No. 2. Similarly, if the number of employees is increased by one, category No. 2 goes into category No. 1. It is believed—and I think very rightly—that this discriminating principle is neither very just nor administratively feasible. Consequently what the amendment seeks to do is to abolish this distinction whereby the factories have been divided into two categories and adopt the general principle that in all factories, irrespective of the number of employees that are working there, there shall be a uniform rule, namely, that the payment must be made within ten days. The second amendment which clause 3 seeks to make is also, as the House will see, very necessary. In section 5, provision is made for the payment of an employee who is discharged from service. The section as it stands today provides that the payment to a discharged employee should be on the second working day. Now, Sir, if the Payment of Wages Act was only applicable to perennial factories which are working throughout the day, there can be no difficulty arising from the section as it stands now. But in the case of seasonal factories, the difficulty that would arise is absolutely genuine because, supposing an employee was discharged on the last working day of the factory and the factory being a seasonal factory was closed down thereafter, then the second working day would come after a long interval which it would be difficult for anybody to imagine or to stipulate. Consequently

the payment of wages to a discharged employee working in a seasonal factory would be indefinitely postponed if the provision as it now stands was not amended in the way suggested in the Bill. What we have therefore done by the amending Bill is to take away the word ' working ' and substitute for the word ' second ' the word ' third ', so that where the factory is a seasonal factory or where the factory is a perennial factory every discharged workman will be paid on the seventh day and would not have to wait as he would have to in case the factory was seasonal factory and the Act stood as it is now.

Now, I come to clause 4 of the Bill. As Honourable Members will see clause 4 proposes to make certain amendments in section 7 of this Act. Section 7 is a section which lays down what deductions can be made from the wages of a workman. Honourable Members will see presently that the section as it stands now does not cover all legitimate cases of deductions. I will draw the attention of Honourable Members to what are the omissions in the present Act. For instance, the act as it stands now, or the section of the Act, does not cover the case of an employee who has left his employment, taken his provident fund and his gratuity and has lost the privileges which he would otherwise get if he had continued to be in service. It may be that for certain reasons, he had to resort to the expedience of obtaining a discharge from service in order to get his provident fund and his gratuity to meet certain economic demands that may be very pressing upon him. After that, he is re-employed and obviously he is anxious to get back all the privileges which he enjoyed before his discharge and his privileges depend upon whether or not he is prepared to return the provident fund which he had obtained and the gratuity which he got. The workman is willing and prepared for such deductions being made, but the law does not permit this. I think it will be agreed that such deduction should be allowed because it is in the interest of the employee himself. But as I said such a provision does not find a place in the act, as it now stands. Then, Sir, there are certain deductions which may be beneficial to the employee and the employee may be willing that the deductions may be made in order to cover such beneficial purposes. Again, there is no provision for allowing the workman voluntarily to agree to make deductions which he thinks are beneficial to himself. The law is made by the amendment in order to the conclusion that the purposes are beneficial really. There are other omissions in section 7 as it stands and those omissions relate to cases of workmen who are employed in what are called incremental scales. This is a new thing in the bill and I wish to explain to the House not only what the provisions are but the circumstances which have led us to bring forward this amendment. The sub-section (3) of section 4 deals with three cases. It deals with the case of withholding of increment of an employee who is employed on an incremental scale. It deals with the case of demotion from a higher grade to a lower grade with consequent deduction in salary. Thirdly, it deals with the case of retention of an employee in a grade, the deduction of

salary being due to loss of efficiency. The reason why it has become necessary to bring forward these amendments embodied in sub-section (3) of section 4 is that it has its origin in a decision given by the Judicial Commissioner of Sind. It was a case in which an employee who is, I believe an Engine driver, was concerned. His grade was maintained, but his salary was reduced. He went to a court of law for redress and pleaded that the reduction of his salary, while he was continued in the grade, was a deduction unauthorised by law. The Judge upheld the contention and said that was an unauthorised deduction. But the Judge observed that if there was a new contract entered into with an employee telling him that as his efficiency was not of the required level and standard to discharge his duties that are incumbent upon an officer holding that particular grade, and if the new contract was accepted by him, then the deduction would be justifiable. Now, what I have done in the Bill is to accept the suggestion made by the Judge, namely, that whenever there is a case of an officer whose grade is not reduced, but whose salary is reduced on account of the fact that he is not found to be as efficient as the responsibilities of the post require, the deduction shall not come into existence unless the period of notice that his service requires shall be fulfilled. Now, Sir, the object of that provision is really to give him one month's notice. The completed or simplified procedure would be to give him a legal notice and to say. " We are not prepared to pay you the same salary that we paid before ; if you like, continue on the new basis ; if you do not like it, discontinue and go out of service ". Instead of having that elongated process of two equations, notice and reply, offer and rejection, we have combined the process by delaying the operation of the reduction decision by the period of notice, so that before the period of notice expires if he tells his employer that he is not prepared to accept, he would be at liberty to go out. I should like to make this point clear because it might be argued that in bringing forward these amendments we have really tried to counteract or set at naught or nullify the decision of the Additional Judicial Commissioner and I want to tell the House that I am doing nothing of the kind but am merely following the decision of the Judicial Commissioner in the amendments which we have proposed.

With regard to the other two amendments, viz., the withholding of increments and demotion from a higher grade to a lower grade, there can be no matter of controversy, for the simple reason that a period is promoted from a lower to a higher grade only when the employer is satisfied that by the experience that he has had in the grade in which he has been serving he will be able to acquire such greater experience and greater efficiency that he can be legitimately expected to discharge the responsibilities of the higher grade. When, for instance, he has not been promoted there is no grievance, for the simple reason that he has not earned something which is sought to be taken away.

Similarly with regard to the other provision, viz., demotion from a higher to a lower grade, I do not think there can be any legitimate grievance in this kind of deduction, for the simple reason that when a man has lost so much efficiency that an employer does not think that he can be retained in the same grade, I think it is justifiable to reduce him because the reduction in salary is also accompanied by reduction of responsibility.

Now coming to clause 5 of the Bill it is a very simple clause. It seems to amend sub-section (7) of section 8. Sub-section (6) of section 8 deals with the question of the time within which the fine imposed by an employer may be recovered. The question that arises is, when does the time run ? Does it run from the date when the offence was committed or does it run from the date when the employer came to know that a certain act or omission was done ? Obviously it is not always possible for an employer to know at the very time when an act was committed that it had been committed ; it often happens that an act is committed and knowledge of it comes to the employer after a very long time. Consequently, it is felt necessary that the point of time from which limitation should run should not be the date of the offence but the date of the knowledge ; and I should like to tell the House that in amending this provision we are not introducing anything that is novel. As lawyer Members of the House would know, there are many provisions in the law of limitation where the time in some cases runs from the date of the act and in some cases from the knowledge of the act.

Coming to clause 6, this seeks to amend section 9 of the Act. Section 7 (2) (b) permits deductions being made on account of absence from duty. Unfortunately there is no definition given in the Act itself as to what is meant by ' absence from duty '. This clause removes this lacuna and adds a second explanation to section 9 where the expression ' absence from duty ' is not sought to be defined. Clause 7 amends section 13, and that again is purely consequential ; it is not a substantial provision. It makes section 13 applicable to the two of the new deductions contained in clause 4 of the Bill. As Honourable Members know, section 13 makes deductions permissible subject to such conditions as the Provincial Government may impose. We also want that the new deductions which the new amendment permits shall also be subject to the same proviso.

The last clause amends section 17 of the Act which regulates the right of appeal. As it stands the section gives a right of appeal to an employed person but does not give it to the Inspector who is the administrative authority for administering this particular Act. It is felt that it would be advisable in the interest of all, and particularly in the interest of the employees, for the Inspector also to have the right to make an appeal.

These, Sir, are the provisions of the Bill. I submit they are noncontroversial and I believe and hope that the House will be able to accept my motion.

Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Motion moved :

" That the Bill further to amend the Payment of Wages Act, 1936, be referred to a Select Committee consisting of Seth Yusuf Abdoola, Haroon, Mr. Muhammad Hussain Chaudhury, Mr. Lalchand Navalrai, Mr. A. C. Inskip, Sir Vithal N. Chandavarkar, Mr. N. M. Joshi, Dr. SirRajji Dinshaw Dalal, Mr. D. S. Joshi, and the mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

* * *

Mr. N. M. Joshi: Sir, the Hon'ble Member has also introduced certain other amendments, one of them regarding permitting certain deductions for absence.

The Honourable Dr. B. R. Ambedkar : I have only given the definition of absence. I have not permitted deductions : they are already there.

Mr. N. M. Joshi : I know. The Honourable Member is a very simple man. He has changed the definition of absence with the result that certain deductions may be permitted. The original Act permits deductions for absence up to a certain point. The deductions may be made for the actual time lost or work not done. But if this Amendment is made, and if I understand it rightly, it is quite possible for an employer to impose double fine on the employee.

The Honourable Dr. B. R. Ambedkar: That is not correct.

Mr. N. M. Joshi : All right. We shall discuss it at the proper time. What may happen is this : an employee is absent for an hour. He cannot turn out work for that hour and therefore if he is paid on piece rate his wages are automatically reduced. Besides receiving less wages, it is quite possible that if this Amendment is made, the man's wages may be deducted still further.

The Honourable Dr. B. R. Ambedkar: No, no.

* * *

The Honourable Dr. B. R. Ambedkar : Mr. Deputy President, if it can help to curtail the debate, I should like to state at this stage that I am prepared to accept the amendment.

* * *

The Honourable Dr. B. R. Ambedkar : Sir, as I have said, I am prepared to accept the motion made by my friend Mr. Joshi. In that event, it is unnecessary for me to make any speech. All that I would like to say is this that I cannot agree that any strong case has been made out for circulation. As I said just now, I made myself very clear that the amendments which I have put forth were administrative in the sense that they will remove the difficulties that exist in the administration of the law. I have not seen that any of the amendments which are contained in this Bill were, if I may say so, beyond the capacity and the intelligence and the knowledge and the information of Honourable Members of the Select Committee. I, Sir, was surprised to see that my Honourable friend Mr. Joshi did not do enough credit to himself. If I

circulate the Bill, and I am asked to circulate the Bill in order to canvass the opinion of the working classes, I wonder whether who would be the advocate that would be employed by the working classes except Mr. Joshi himself or my Honourable friend Mr. Lalchand Navalrai. It was in order to get the benefit of their representative character, their knowledge and information that I have taken care to include them in the Select Committee. However, Sir if they feel that they cannot repose confidence in their ability to deal with what I regard as non-controversial points. I am quite prepared to fall in line with them and accept the amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

" That the Bill be circulated for the purpose of eliciting public opinion thereon by the 28th February, 1945." The motion was adopted.

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Damodar Valley Scheme Calcutta Conference Address

" The Government of India is very much alive to the disadvantages arising from the present state of affairs and wishes to take steps to evolve a policy which will utilise the water resources of the country to the best advantage of everybody and to put our water resources to the purpose which they are made to serve in other countries," observed the Honourable Dr. B. R. Ambedkar, Labour Member, Government of India, in his address to representatives of the Central, Bengal and Bihar Governments at a conference held in the Bengal Secretariat in Calcutta on January 3 to consider means and methods for developing Damodar Valley.

Here is the full text of Dr. Ambedkar's speech : On behalf of the Government of India I thank you for having agreed to hold this meeting at such short notice and at considerable personal inconvenience to yourselves. The purpose of this meeting is to consider means and methods for giving effect to the proposals of the Damodar River Flood Enquiry Committee appointed by the Government of Bengal in 1944. Before I proceed further, it is only proper that I should congratulate the Government of Bengal on the appointment of this Committee. I must also pay my tribute to the Committee for the very sound views they have expressed both on the particular problem of dealing with floods in the Damodar River and on the general problem of the best utilisation of the water resources of the country.

Committee's Recommendations

I would like to make particular reference to two of its recommendations, namely VIII and XIII. In their recommendation No. XIII the Committee have stated:

" During the course of discussions it was felt by the Committee that it will be an advantage in the solution of flood control and soil conservation problems if forests and rivers of India are made the concern of the Central Government."

By their recommendation VIII, the Committee have suggested that the project of damming the Damodar should have as its purpose not merely stopping the flood but also include the generating of electricity and the supply of water for irrigation. Those who are aware of the present policy, or lack of policy, in the matter of the utilisation of India's water resources will admit that these are recommendations, the importance of which cannot be exaggerated. It is not far from truth to say that so far there has been an absence of positive all-India policy for the development of waterways. Secondly, there has not been enough realisation that our policy for waterways must be multi-purpose policy so as to include the provision for irrigation, electrification and navigation.

Railways And Waterways

Irrigation has been the only purpose of our waterways policy. Further, we have not taken sufficient account of the fact that there is no difference between railways and waterways, and if railways cannot be subjected to provincial boundaries, neither can waterways, at any rate those that flow from province to province. On the contrary we have allowed our constitution to make a distinction between railways and waterways, with the result that railways are treated as Central, but waterways are treated as Provincial.

The disadvantages of this error are many and obvious. To give one illustration, a province needs electricity and wishes to utilise its water resources for the purpose but it cannot do so because the point at which water can be dammed lies in another province which being agricultural does not need electricity and has no interest in it, or money to finance the project, and would not allow the needy province to use the site. Complain as much as we like, a Province can take such an unfriendly attitude and justify it in the name of Provincial Autonomy.

Utilisation Of Water Resources I have made these observations with a two-fold purpose. Against this background you are in a better position to evaluate the recommendations of the Damodar River Flood Enquiry Committee appointed by the Bengal Government, to which I have made particular reference. My second purpose is to tell you that the Government of India is very much alive to the disadvantages arising from the present state of affairs and wishes to take steps to evolve a policy which will utilise the water resources of the country to the best advantage of everybody and to put our water resources to the purpose which they are made to serve in other countries.

A revision of the constitution treating waterways on the same footing as the railways will no doubt be a very welcome change. But the Government of India does not think it necessary to wait till such constitutional changes come into being. Nor does the Government think that, if the Provinces show the will to co-operate in a joint project for the utilisation of the water resource, the

difficulties created by the constitution will stand in their way.

The Government of India has very much in its mind the Tennessee Valley Scheme operating in the United States. They are studying the Scheme and feel that something along that line can be done in India if the Provinces offer their co-operation and agree to override provincial barrier which has held up so much of their progress and their prosperity. As a preliminary step for securing the best use of the water resources of the country, the Government of India have created a central organisation—called the Central Technical Power Board, and are contemplating to create another to be called the Central Waterways, Irrigation and Navigation Commission.

The objects which have led to the setting up of these two organisations is to advise the Provinces on how their water resources can be best utilized and how a project can be made to serve purposes other than their irrigation. It may be necessary to constitute other bodies, such as the Central Utilisation Board or *ad hoc* Commissions of Enquiry. The appointment of the Central Power Board and the Central Waterways, Irrigation and Navigation Commission does not exclude the setting up of such organisations.

The Damodar river is the first project along this line. It will be a multi-purpose project. It will have the object of not only preventing floods in the Damodar river but also have the object of irrigation, navigation and the production of electricity.

The authority which will be in charge of this project after it is completed will be more or less modelled, as far as it may be possible, on the Tennessee Valley Authority. It will be a co-operative undertaking in which the Centre and the Provinces of Bihar and Bengal will be partners. The Government of India are anxious to give shape, form and life to the project, and are anxious that no time should be lost in doing so.

New Policy For Waterways

The Government of India feel that they cannot proceed further in the matter unless certain preliminaries are explored. The first such preliminary is the site of the dam. Obviously, it cannot be decided in accordance with the wishes of Bengal. Equally, it cannot be decided in accordance with the wishes of Bihar alone. And even if the two Provinces agree upon a site, it could not be finalized without the advice of the experts. There are aspects which have also to be gone into. As I have said, the Damodar project must be a multi-purpose project. We intend that it should not only deal with the problem caused by floods, it should also provide for irrigation, electricity and navigation. Along with the question of a site, these matters have also to be examined.

The business of this conference is to come to a decision as to the best machinery for doing this job. I hope we shall be guided by the right spirit, leaving aside all sectional points of view, and proceed to our business with a determination to agree upon the best solution and open a way to the inauguration of a new policy in regard to our waterways and lay the

foundation for a regime of prosperity for the poverty stricken millions of this country.

CONFERENCE DISCUSSIONS

The Damodar Valley Project, a multi-purpose project, intended to exploit the Damodar river for irrigation, electrification and navigation, was discussed at the conference presided over by Dr. B. R. Ambedkar.

The basis of the discussion was a note circulated by the Central Government regarding the procedure for collecting necessary information.

Suggestions made in this note required that the three Governments should prepare an inventory of the facts and figures available to each other. This inventory was to be prepared in consultation with the Central Government's technical experts, and, if it did not disclose all the facts required further information should be collected. The Central Government's technical experts could then prepare a preliminary memorandum setting out the prospects for a co-ordinated scheme for the multi-purpose development of the Damodar Valley. The three Governments should then get together and give the necessary instructions for framing a project to the technical experts of the Central Government and the Provinces.

General Agreement

While there was general agreement on the question of making the Damodar Scheme a multi-purpose project, representatives of Bengal emphasised that the problem of controlling floods in Damodar should be a primary concern. After some discussion, it was agreed that investigations on the lines suggested by the Central Government should start under Mr. Man Singh, Special Engineer (Irrigation) with the Bengal Government. The Central and Bihar Government would try to lend officers to assist Mr. Man Singh in this investigation. Mr. A. Karim, Deputy Chief Engineer, Irrigation Department, Bihar, would remain in touch with Mr. Man Singh.

Earlier during the meeting Mr. H. C. Prior, Secretary, Labour Department, Government of India, spoke about the administrative side of the waterways problems and indicated ways and means by which the Centre could lay its part.

Among those who attended the Conference were the Hon'ble Mr. B. P. Paine, Minister for Communications and Public Works, Bengal Government, Mr. B. Sarkar, I.C.S., Secretary, Communications and Public Works Department, Mr. B. L. Subarrwal, Mr. J. F. Russel, Chief Engineer, Bengal, Mr. Man Singh, Special Engineer (Irrigation), Mr. N. K. Bose, Director, River Research Institute. Mr. N. Dar, Secretary, Post-War Reconstruction Committee, Mr. H. M. Ishaque, Development Commissioner and Mr. A. Karim, Deputy Chief Engineer, Irrigation Department, represented the Government of Bihar. Mr. H. M. Mathews, Chairman, Central Technical Power Board, Mr. W. L. Voorduin, Hydro-Electric Member of the Board and

Mr. D. L. Mazurndar were also present to represent the Central Government.

Post – war Electric Power Development

Here is the full text of Dr. Ambedkar's speech :

I should like to begin by extending to all the representatives, old and new, present at this meeting a most hearty welcome. I say old and new because we have on our Committee new members who were not on the Committee when we met last. They are the nominees of the Federation of Electrical Undertakings in India and of the Indian Trade Union Congress. Electrical undertakings and organised labour are both vitally concerned in the future of electrical development in India and whatever they may have to say about the subject must receive due consideration in any decision that may be arrived at. I am sorry that an omission to have them with us should have occurred last time. I apologise for it, for it was indeed a very serious omission. I am sure we are all very glad to have them with us today and will be looking forward to their contribution to the discussion of the subject we have before us.

Power Engineers' Conference

I believe it would be of some advantage if I were to begin the few observations I have to make as Chairman by referring to what has been done by the Government of India in furtherance of the post-war planning for electrical development since the Committee last met on October 25, 1943, as most of you may have no knowledge about it. Soon after the last meeting of this Policy Committee, Mr. Mathews, the Electrical Commissioner with the Government of India, with the approval of Government, called together a Conference of leading power engineers in the country, both official and non-official, to consider postwar electric power development. The first thing the Conference did was to prepare a schedule of the heavy power equipment required by India for electric development immediately after the war. In addition to this the Conference passed certain resolutions all of which, to use the language of the report, " represented the unanimous conclusion of their studies, investigations and discussion." These resolutions fell under four heads :—

(1) Under the first come recommendations which set out some general and specific suggestions to the Provinces and States to be observed by them in regard to electrical development within their jurisdiction.

(2) Under the second were grouped those which concerned the appointment of the Technical Power Board.

(3) Under third come those related to certain prospective power developments considered by the Conference to the prima facie worth investigation without delay.

(4) Under the fourth head were placed those which relate to railway electrification, manufacture of synthetic fertilisers and rural electrification.

As the members of the Conference said in the letter accompanying their findings, " this is the first occasion on which the power development programme has been reviewed as a coordinated whole and that the presence of engineers whose experience covers in the aggregate the varied conditions of the whole of India, has introduced an extremely valuable element in co-ordinating regional needs."

Heavy Power Equipment

I am sure you will agree that we owe the Conference a great debt for unfolding to us the prospective electric power development for the whole of India in the period immediately succeeding the cessation of hostilities in such clear cut manner. The Conference asked the Government of India to take appropriate action on the several recommendation made by them. The two recommendations in regard to which action lay with the Government have been already put into effect. They relate to the securing of equipment and the establishment of the Technical Power Board.

A schedule of heavy power equipment required by India as soon as possible after the cessation of hostilities has been prepared and steps have been taken to reserve for India the necessary manufacturing capacity. The total capacity reserved come to over 850 megawatts, at an estimated cost of Rs. 50 crores approximately. The aggregate of new capacity represented by these schedules comes to nearly 65 per cent of India's existing installed capacity. A more detailed inquiry might show that our requirements for equipment are larger than what has been booked for. But as it was impossible to delay the matter without putting India's interest in grave jeopardy, we had to take action immediately on such data as could be collected within the limited time that was available to us.

Technical Power Board

As you must have noticed from the Press Note issued on November 8, 1944, the Government of India has constituted a Technical Power Board. Besides the Chairman, the Board will initially have two full-time members and three part-time members. The Government of India has appointed Mr. Malhews, Electrical Commissioner with the Government of India, as the Chairman and has obtained the services of Mr. W. L. Voorduin from the United States of America as another member of the Board. Before he came to India, Mr. Voorduin was employed as a Project Officer of the Tennessee Valley Authority. It is proposed to have a third member to be called the Utilisation Member. Effort is being made to recruit a suitable Engineer who is conversant with Utilisation. These appointments of high level experts will assure you how very anxious the Government of India is to make the Board a strong technical organisation designed to collect ideas, conduct surveys and prepare schemes for the electrical development in consultation with Provincial

and State Governments. I have referred to this because it is necessary you should know what has happened in the interval and also to show that the Government of India has been pursuing the matter in all earnestness and with all speed.

The Triple Programme

There is another important development in electrical policy to which I would like to draw the attention of all of you here. You will recall that at the last meeting of the Policy Committee, Mr. Collins, on behalf of the Bombay Government, made certain references to the contemplated introduction of the " Grid " system in the Bombay Presidency. During the last year, we in the Government of India have given a great deal of thought to the regional as distinguished from the local development of electricity in different parts of this country. We have felt more and more that if the services offered by electricity are to be brought to the door of producers as well as the consumers at the cheapest possible rates compatible with efficiency, we may have to follow albeit cautiously and gradually, the triple programme on which the Central Electricity Board in the U.K. have worked from the very beginning, viz.:—

(a) The creation of large-scale power stations located in the main industrial areas under the control of public supply undertakings;

(b) the construction of main transmission system (with smaller secondary lines attached to it for tapping agricultural and other outlying areas) so that the entire region to be developed by the main system can be held in a power ring or a series of power rings radiating out from the large scale power stations ; and

(c) standardisation of frequency as far as possible within the region to be developed by the power system. This triple programme constitutes the foundation of the " Grid " system, as we know it, to be operating in the U. K. since 1926 and it is my hope that if such a scheme of regional development is adopted in this country, we may before long bring the great boon of cheap electricity service to the door of everyone, high or low.

You may be interested to know that when the " Grid " system on a large scale was first contemplated in the U. K. it was estimated that by 1940-41 the national production of electricity would reach the colossal figure of 25,000 million units and the working cost of electricity would by that date fall from 9.4d, as recorded in 1925-26, to less than 4d. per unit, while the large industrial consumer would be able to obtain his power requirements at 1/2 d.

Items On Agenda

I will now turn to the Agenda for our meeting to-day. As you will see, there are altogether four items on the Agenda. Item 4 places before you for your consideration two schemes, one for the Technical Power Board and the other for sending Indians to foreign countries for training in electricity. Neither is a controversial subject. I will not therefore take your time in dwelling upon them.

Item 2 on the Agenda is unfortunately not quite so uncontroversial as item 4. Item 2 relates to the question of applying to electrical undertakings certain accounting principles for ascertaining their income, expenditure and profits. This item is not as controversial as it appears. The issue raised by this item covers two questions and not one, and the controversy would be very much narrowed if they were considered separately.

The first question is whether the dividend of an electricity supply undertaking should or should not be related to the charges for consumption of electricity. The second question is how to determine reasonable dividend. On the first question, I venture to say, there can be very little dispute. Electricity is to be a prime necessity of the people both for production and consumption. The price of such a prime necessity cannot therefore be at the will of the supplier. The whole industrial future of India will be put in great jeopardy if India could not ensure cheap and abundant supply of electricity. The necessity of correlating dividends to charges is therefore paramount. If this is granted, the necessity of enforcing rules of accounting which will give the undertaking a reasonable return but no more and choke all holes for concealed profits cannot be disputed.

Principles Of Accountancy

The issue then becomes a secondary one. In pressing for enunciating principles of accountancy we are not introducing any revolutionary idea. We are following the lines laid down in British Legislation on Electricity contained in the London Electricity Act of 1925 and the Electricity Supply Act of 1926. The Electrical Commissioner with the Government of India has drawn up a Memorandum in which he has proposed a set of such accountancy principles for being applied to electricity undertakings. His Memorandum was circulated to the Provincial Governments and to Electrical Undertakings for their opinions. There has been unfortunately some divergence of opinion. As a means of bridging the gulf, the Government of India proposes to appoint an Advisory Board to advise on principles which may be just and proper. I hope you will regard this solution as a satisfactory one.

There remain items 1 and 3 of the Agenda. They are indeed the most important items of our Agenda and you will bear with me if I take some of your time to deal with them.

With regard to item 1, it might be well to refresh your memory by telling you how the position stood at the last meeting of the Policy Committee. At the close of the discussion of the items on the Agenda the Policy Committee desired that the Labour Department should draft a Resolution embodying the measure of agreement reached and that it should be placed for discussion at a subsequent meeting of the Policy Committee. A draft Resolution was accordingly drawn up which is in the following terms :—

" That this meeting recommends that the further development of electricity

supply in India be actively pursued as a State or quasistate enterprise and that steps be taken to eradicate any factors that retard the healthy growth of electrical development in the Provincial, State or Local authority—owned undertaking as well as the commercially owned undertakings."

It was felt that the draft Resolution was not very clear. The Resolution spoke of further development. It said nothing about the undertakings that have already come into existence. The Resolution spoke of the necessity of controlling factors likely to hamper or retard the healthy growth of electrical development but did not specify what the factors were. It was therefore felt desirable that the Resolution should be again carefully considered in the Policy Committee to clear up elements of doubts. This is how item I comes to be what it is.

State Control And Ownership

The discussion at the last Policy Committee meeting seemed to indicate clearly the intention that electrical supply enterprise in areas where there is none at present should be pursued as a State or a quasi-State enterprise ; but there remained an element of doubt as to the extent to which the State should come in those areas in which electrical undertakings were already functioning. For instance, is it advisable that the State or other authority should as a general rule exercise an option to take over an undertaking whenever under the terms of an individual licence such option arose ? And is it advisable that the State should exercise control over existing privately-owned undertakings for the purpose of securing bulk supply for regional development or control of generation ? There may be cases in which in order to secure suitable regional development bulk supply from some other undertaking should be given to some existing undertaking and that it may be that the manner in which an existing undertaking operates and expands may have to be brought into line with general schemes for regional development. We wish, therefore, in this discussion to get clarification not only as to the extent to which State ownership should come in but also as to the extent to which the State should control where State ownership cannot immediately become operative.

Jevon's Economic Criteria

The issue between State enterprise and private enterprise has ever been a matter of controversy. This controversy is now resounding in India in full blast since we have started the project of planned economy. Old Jevons in his tract on *State in relation to Industry*, attempted to formulate certain economic criteria by which the line between State enterprise and private enterprise can be drawn and which have been the gospel of the opponents of State enterprise. According to Jevons, there were four criteria which car-marked an industry for State ownership. They were

- (1) small capital account:

- (2) routine operations:
- (3) the co-ordination of several services such as Posts, Telegraphs and Telephone and
- (4) the sufficiency of a single all-embracing plant as in the case of water and gas supply.

The followers of Jevons in this country propose to add some more criteria, the object of which is to restrict the field of State enterprise except in one case, viz., they are prepared to enlarge the field by allowing the State free field in such cases which could not be profitable for private enterprise to undertake. The controversy may have had some solid basis when private enterprise was a fact. But to-day private enterprise is only a phase. There is nothing private in an economic order when industry is carried on by huge Public Joint Stock Companies. There is nothing of individual enterprise in an economic order where the slogan of a business firm is caution and not adventure and where the prime consideration is to stabilise profits by seeking to maintain in an orderly permanence existing economic conditions. It is unnecessary for me to enter into this controversy. For there are very few opponents of State ownership and State control who do not make an exception in the case of electricity.

Item 3 raises the question as to who should exercise the option when it falls due by reason of the termination of the licence issued to an electrical undertaking for the supply of electricity. The matter of purchasing an electrical undertaking. This question is now regulated by the provisions of Section 7 of the Indian Electricity Act. According to this section, the authority to exercise the option to purchase vests in the first place with a Local Authority and where the Local Authority does not elect to exercise the option it passes to the Provincial Government. The question raised by item 3 on the Agenda is whether it is not desirable that option should also be given to the Central Government and, if so, at what stage and under what conditions. It is proposed that the Central Government should also have an option to purchase. Having regard to the fact that electricity is a public utility, there ought to be no difficulty in vesting the Central Government with such an authority.

Provincial Or Central Control ?

Unfortunately, there seems to be some reluctance to accept this principle. Planning in India has been confronted with two issues, the issue of State versus Private enterprise and the issue of Provincial or Central control. With both issues we are all quite familiar and item 3 deals mainly with the second issue. To those who believe in State enterprise it should be a matter of small consideration whether the enterprise should be Provincial or Central and little or no objection should be raised to Central control in cases where a Province does not desire to take on such control, or where in the interests of regional

development extending beyond the boundaries of a Province, Central control may be considered necessary. In the case of electricity, as in the case of waterways, suitable schemes cannot be limited by provincial boundaries, and though there must clearly be the closest co-operation and co-ordination between the Centre and the Province, it does seem advisable that the Centre should be able to step in cases where State control is found necessary for regional development and where a Province does not itself wish to bring an undertaking under State control.

I don't think I can usefully add anything to what I have already said about questions arising out of the Agenda. However before I close, I would like to say how very necessary it is for you to bear in mind that whatever decision you take it must accord with the public opinion in the country regarding the future of Indian Economy. It would be a mistake to suppose that there is no Indian public opinion on the future of Indian Economy because one does that opinion is I do not wish to dogmatise although I am sure that it is far more Leftist than many are inclined to allow.

The point I am anxious to emphasise is that the need for an accord between the plan and public opinion can hardly be exaggerated in a country like India which has as its ideal a Parliamentary system of Government. People talk about the success of planning in Russia. But they forget that the success is due largely to the fact that Russia has no Parliamentary Government. Planning in a Parliamentary Government where those who plan live under the constant threat of no confidence motions and cannot be sure whether they can remain long enough to put their plans through is a very doubtful proposition. Whether planned Economy is inconsistent with Parliamentary democracy and, if it is so, how the two can be reconciled is a very large theme and this is not the place to deal with it. All, therefore, I wish to do is to caution you that if our plans are not to be scrapped by our successors, we must take care that they are in accord with what the large majority of people believe to be for the greatest good of the greatest number.

Committee's Recommendations

The Policy Committee on "Public Works and Electric Power," recommended that the development of electricity supply for areas outside existing licenced areas should be actively pursued, as far as possible, as a state or quasi-State enterprise. If for any reasons the State was not prepared to undertake such development in any area within a reasonable time, private enterprise should not be excluded. They further recommended that, provided efficient and economic operation could be assured to the public, options existing under any licence to acquire an undertaking should, as a general rule, be exercised when they arose. Steps should be taken to eradicate any factors that retarded the healthy and economical growth of electrical development on regional lines whether in Provincial, State or local authority—

owned or in commercially—owned electrical undertakings.

In another recommendation the Committee accepted the necessity of laying down financial principles for the control of electric public utilities both in the interests of public utilities as well as of the general public. An Advisory Board should be set up under Section 35 of the Electricity Act to advise Government on the nature, extent and method of application of such principles. On this Advisory Board there should be two representatives of the Central Government, two representatives appointed by agreement with the Provinces, and one representative of the Federation of Electricity Undertakings. The Board may appoint such assessors as may be necessary.

The discussion on the proposal to amend Section 7 of the Indian Electricity Act of 1910, with a view to evolve a systematic and coherent policy for planning electrical development, raised a number of points for examination by the Central Government. The Committee agreed that the Act should be so amended as to give the Provincial Government the first option to take over an undertaking. The question of amending the Act so as to give power to the Centre to take over electric undertakings, if Central control was considered necessary for inter-Provincial development, was discussed. There was difference of opinion on some aspects of the question, and it was decided that the matter should be further examined in consultation with the Provinces.

Government's Training Schemes

The Policy Committee welcomed the appointment of the Central Technical Power Board, and the Central Government's scheme for sending ten Indian Engineers to receive training abroad on the commercial and administrative side of electricity supply industry. Four of these officers will receive training in the U.K., four in the U.S.A. with the Tennessee Valley Authority, and two in Canada. Two officers belong to the Central Government, four to Provincial Governments, two to State Governments and two to Public Electricity Supply Undertakings. The Government of India will bear the entire cost of the training of the two Central Government Officers. It was stated that while under this scheme Indian Engineers would be trained in the commercial and administrative aspects of electrical industry, Government intended to send two more batches for training in the technical aspects.

The meeting which was presided over by the Hon'ble Dr. B. R. Ambedkar was attended by the Hon'ble Sir Ardeshir Dalal, Planning and Development Member, Government of India, the Hon'ble Mr. K. Shahbuddin, Minister of Commerce, Labour and Industries Department (Bengal), the Hon'ble Rai Bahadur Gokuldas, Minister for P.W.D. (Sind), Sir Mirza Ismail and Raja Dharam Karam Bahadur. Official representatives of the Central and Provincial Governments and nonofficials representing the All-India Trade Union Congress, Federation of Electrical Undertakings and Indian Engineering Association also participated in the discussions.

Government Policy re Mineral Resources of India

Mr. K. C. Neogy : Sir, I beg to move:

" That the demand under the head ' Geological Survey ' be reduced by Rs. 100." As indicated in the notice, my desire is to discuss Government's policy with regard to the mineral resources of India. But, having regard to the hour I should like my Honourable friend to have as much time as possible for making a statement, which we all desire. I have already indicated to him the various points which I would have liked to deal with had I the time to make a speech on this occasion. As it is more important that we should have a statement from him than that I should make a speech, I should very much appreciate it if my Honourable friend could make an informative statement.

Mr. Deputy President (Mr. Akhil Chandra Datta): Cut motion moved. " That the demand under the head ' Geological Survey ' be reduced by Rs. 100."

The Honourable Dr. B. R. Ambedkar (Labour Member): Mr. Deputy President, I am indeed very glad that Mr. Neogy should have thought of such a cut motion as the one he has moved, because the cut motion gives Government the opportunity to explain its mineral policy which it had not got so far. There is so much ignorance and so much misunderstanding about the matter that I think it is in the interest of everybody that so important a matter as the mineral policy of the Government of India should be explained fully to the House. Sir, I regret, and I have no doubt that there are other Members of the House who will share that feeling that owing to the exigencies of the timetable, Mr. Neogy did not have the opportunity of making a verbal statement explaining the points he wanted to make. I quite appreciate, and indeed I am very grateful to him for having cut short his speech and gave his time to enable me to make a statement.

Sir, this is a matter in which I think it is better to be very candid and say that the Government of India so far had really no mineral policy. It may be a ground for complaint. But it need not be a ground for surprise. The responsibility for the absence of a mineral policy has been sought to be placed in certain quarters at the door of the Geological Survey of India. I am sure that that is a wrong charge ; and I propose to devote the first few minutes that I have in order to dispel such an impression.

I think it will be admitted that the mineral policy of any government is necessarily dependent upon the industrial policy of that government. Minerals necessarily play a great part in the industrial development of the country and if the country has no industrial policy, obviously there cannot be a mineral policy at all. This House is aware that until the Government of India decided to have as its aim and object the reconstruction of the economic and industrial life of this country in the post-war period Government in this country played very small part in the industrialisation of the country.

Dr. P. N. Banerjea : What a pity !

The Honourable Dr. B. R. Ambedkar : Whether it is a matter for pity or whether it is a matter of anger is not for the moment my concern. All that I am trying to show is that if there has been no mineral policy, the fault is not of the Geological Survey of India. The fault lay with the Government of the day ; the fault perhaps lay with the Legislature and, it may be, with other organisations which were interested in the economic and industrial life of the country.

The second reason why the Geological Survey did not play the part that geological surveys in other parts of the world do play is largely due to the fact that this is one of the departments which has always been under-staffed. I would like to tell the House a little history with regard to the staffing and the provision of the technical personnel of the Geological Survey of India. In 1920 sanction was obtained for an increase in the superior gazetted staff of the Geological Survey. Unfortunately there was much difficulty in getting a trained personnel that it took practically nine years to fill the required number. The pity of the matter was that as soon as this number was filled, the Legislature in 1931 carried a motion for economy and almost all these men who were recruited had to be axed. I point that out in order to show that if the Geological Survey Department did not play its part in the mineral policy of the Government of India, the legislature to some extent is responsible for that result.

In the limited time that I have, I do not wish to dwell more on the past. I wish to speak about the future. I am glad to say that the Government of India has now accepted the need for a definite mineral policy. That is largely due to the fact that the Government of India has taken a decision to have a drive in favour of bringing about the industrialisation of the country. The mineral policy of the Government of India has been set out in section 14 of the second report on Reconstruction and Planning. I have no time to read section 14 or even to give the gist of that paragraph. I have no doubt that the Members of the Legislature who are interested in the matter will look up section 14 and see for themselves what exactly that policy is.

To summarise the matter briefly, the mineral policy of the Government of India and the action which the Government of India propose to take in furtherance of that policy falls into two parts : in the first place, we propose to reconstitute the Geological Survey of India in order to make it a more potent instrument for the furtherance of our policy. Accordingly, a detailed scheme of expansion of the survey has been drawn up and administratively approved. The new branches of the Geological Survey which we propose to set up will deal with engineering geology, industrial utilisation of minerals, central mineral development, geophysical work, oil development. It will include the establishment of a natural history museum, and a publicity section in order to keep the public informed of what is being done.

The second part of our mineral policy consists of legislation, which the Government of India propose to initiate for the purpose of establishing control

over minerals. In defining the limits of legislative control over the minerals, we propose to take into consideration the following circumstances. One, the importance of the mineral from the defence point of view on all India mineral development; two, the technical nature of the mineral; three, the purposes for which the mineral is used ; four, the value of the mineral or of the products into the making of which the mineral enters. Our legislative provisions will fall into two classes, or rather divide the minerals into two classes : those which will be subjected to general control : and under general control we propose to confine ourselves to the granting of prospecting and mining leases, the terms and conditions of such licenses and termination thereof. Then there will be other minerals, which will be selected for more detailed control. The number of such minerals which are suggested for more detailed control are about 28. I do not propose to detail them here. The detailed control will include besides the power to grant licenses, the power to control the method of mining, of processing, of grading, of standardising, to direct improvement of mining and procuring methods, and also the power to initiate research for increased utilisation and for other necessary purposes.

I have stated as briefly as I can within the time available to me the general policy which the Government of India propose to adopt in regard to minerals.

I propose now to turn to some of the specific points of which Mr. Neogy had given notice to me. The first point to which he has referred was the export of minerals. I would like to assure the House that in the contemplated legislation there will undoubtedly be provisions for dealing with the export of minerals outside India. The question really is whether we can completely stop the export of our minerals. The answer to that question must necessarily depend upon another question, namely, shall we be able to import those minerals in which India is deficient if we completely stop the export of our own minerals ? As Honourable Members are aware, India is in fact deficient in such important minerals as oil, copper, lead, zinc, tin and sulphur. Consequently the question of export has to be considered in the light of the effect it may produce on our ability to import things of which we have a deficiency. The course which appears safest to the Government of India is to regulate the export of those minerals of which we are in short supply and which are necessary for the industrial development of the country, and secondly to see that our minerals are not exported in a raw condition but that we establish in our own country such industries as will enable us to process the raw material before it is exported to other countries. Another point to which Mr. Neogy has drawn my attention is with regard to the oil concessions. As Mr. Neogy knows, and as I believe other Members of the House know, there exists at present a moratorium on oil concession—moratorium on the granting of mining and prospecting licenses. That moratorium was introduced mainly because the Government of India did not desire that various oil companies should dissipate or engage for their own prospecting purpose technical personnel

which is so deficient in its supply in this country. That moratorium will last till the war and some time thereafter. Now, Sir, so far as the question of granting licenses is concerned, the matter, since the passing of the Government of India Act, is in the hands of the Provincial Governments ; but the Provincial Governments have been so far following the rules, that the Government of India have made under the 1919 Act under which this was a matter for the operation, the policy of what is called ' closed door 'against non-British subjects. The rules framed by the Government of India lay down that a company before it can obtain such a license must show that it is a company which is Indian in its personnel or that the majority of the members of the Board are British subjects. I do not know whether Mr. Neogy had in mind the further question, namely, the distinction between Indian subjects and British subjects. I have no time to enter into that. All I can say is that this is a matter which is closely connected with another important matter, namely, the Provisions contained in sections III to 118 of the Government of India Act and which is being debated in the House on a separate Resolution. With regard to the question of coal, that again, as I said, will have its place in our new legislation. As my friend will understand, it is rather a difficult question. It covers matters such as mining, grading, marketing and utilisation of inferior coal. It will require a good deal of co-operation of the owners of mines and all those who are in the trade in order that our legislation may be fruitful. I may assure the House that we propose to take the matter up as part of our post-war policy.

I have said in a general way in the short time that is available to me what the policy of the Government of India is. I would say only this in conclusion—that an all—pervasive and dynamic mineral policy would depend upon three circumstances. It would depend upon the industrial drive in the country. If there is industrialisation, this country will undoubtedly have to undertake a more vigorous mineral policy than it has done in the past. Whether our mineral policy will be successful and will be used for the benefit of the many will also depend upon two other considerations, namely, the constitutional position, the distribution of authority between the Provinces and the Centre and the role the State is allowed to play in this matter. I believe I have said enough to enable the House to appreciate what the Government of India proposes to do in regard to a mineral policy for this country.

An Honourable Member : I move that the question be now put.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is that the question be now put : (Several Honourable Members : ' No, no. ')

I take it that the opinion of the House generally is that this motion should not be put.

An Honourable Member: You can adjourn the discussion. Mr. H. A. Satar H. Essak Sait (West Coast and Nilgiris: Muhammadan) : Under the arrangement that has been arrived at and that has been circulated. (Mr. H. A.

Sattar H. Essak Sait.) The time allotted to the Nationalist Party is over. It is a sort of guillotine. Now, the other Party must come in. It is not for the House now to express an opinion on it.

Mr. Deputy President (Mr. Akhil Chandra Datta): The position now is this that this cut motion cannot be put to the House.

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Labour Policy of Government of India

Mr. Deputy President (Mr. Akhil Chandra Datta) : Discussion will now be resumed on the cut motion moved by Mr. Joshi yesterday.

Prof. N. G. Ranga: Sir, myself and my Party wholeheartedly associate ourselves with the cut motion moved by Mr. Joshi.

Some Honourable Members: The question be now put.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is...

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan) : What about the Government's reply ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : I waited but did not find anybody getting up.

(At this stage, the Honourable Dr. B. R. Ambedkar was seen to rise in his seat).

Mr. Deputy President (Mr. Akhil Chandra Datta) : Does the Honourable Member want to speak ?

The Honourable Dr. B. R. Ambedkar (Labour Member) : Yes

Mr. Deputy President (Mr. Akhil Chandra Datta) : The House is impatient.

The Honourable Dr. B. R. Ambedkar: I will try to keep my patience. I will promise that.

In the course of the observation which Mr. Joshi made yesterday in support of his cut motion, he levelled certain charges against the Labour Department. At the conclusion he not only stated that the Labour Department had failed in dealing adequately with the duties which are cast upon it to conserve and protect the interests of the workers but he also ended by saying, which I thought was a somewhat extravagant observation, that the Labour Department had not even sympathy for the worker. Sir, the speech delivered by my Honourable friend was delivered by him in a more or less telegraphic fashion, omitting prepositions, participles, conjunctions and disjunctions and certainly did not advance any detailed arguments in support of his conclusions and I therefore feel at a certain disadvantage in dealing with his cut motion. I however propose to do my best to meet his charges.

Sir, the first charge that he levelled against the Labour Department was with respect to dearness allowance. His first accusation was that the dearness allowance granted by the Government of India was not adequate and the second ground was, if I understood him correctly, that in the scheme of dearness allowance sanctioned by the Government of India there was no kind

of uniformity. With regard to the first part, I think Mr. Joshi will agree that the notions of adequacy must necessarily differ. It will be difficult to find two people who could agree on the exact quantitative measurement of what adequate dearness allowance would mean and therefore I do not wish to enter upon that aspect of the case. What however I would like to draw the attention of the Honourable House to is that the Government of India has always been taking considerable interest in the matter of the dearness allowance and has been watching the situation ; that it has from time to time taken steps in order to increase dearness allowance is beyond question. To give only a few facts to the House, I think it will be recalled that the first dearness allowance was given in August 1942. It was thereafter increased in January 1943. It was further increased in June 1943. (An Honourable Member : What was the amount of dearness allowance in 1942 ?") I really have no time to go into details and I hope the Honourable Member will let me proceed. It was further increased in March 1944. We have not only increased dearness allowance but we have also from time to time increased the higher limits of the workers who should be entitled to get dearness allowance. On the first occasion, when dearness allowance was given the highest limit fixed was 100 to 120. On the third occasion, it was raised to 150 and on the fourth occasion it was raised to 250. I may tell the House that the Government of India is most actively considering the question of further increased in dearness allowance and I hope and trust that before long the decision of the Government of India in this matter will be announced.

With regard to the question of want of uniformity, I will very readily admit that there is no uniformity, that different classes of employees of the Government of India are paid at different rates. But, Sir, the question I would like to ask is—who is responsible for this want of uniformity. I have no hesitation in saying that if anybody is responsible—for the want of uniformity in dearness allowance it is Mr. Joshi himself.

Mr. N. M. Joshi : Why ? I am not the Government.

The Honourable Dr. B. R. Ambedkar : When I say ' My Joshi ' I mean the whole of the Labour organisation. It is they who are responsible for this want of uniformity. What has happened in the matter of the grant of dearness allowance is this. You have got different sections in the labour world. You have got a body like the Railwaymen's Federation, a body like the Posts and Telegraph Union, like the Textile Union and so on, and there are lot of other people among the working classes who have practically next to no organisation. I think Mr. Joshi will agree that the policy followed by most of these labour organisations is really nothing else but a policy of organised loot, the first man trying to take whatever he can from the Government of India, leaving the rest of the people uncared for. Here is the Railwaymen's Federation which meets the Railway Board, uses its power-politics and compels the Railway Board to grant the highest degree of dearness

allowance. Then comes the Posts and Telegraph Union. They wait upon my Honourable friend in charge of that department. They threaten him with strike. They tell him that they are the most essential part of the service to the country and they eke out from him something which they think is best for themselves. The rest of the people have nobody to look after their cause and I have certainly not seen any move on the part of what are called the All-India Trade Union Congress or the All-India Labour Federation to come together and work out a policy which could be applied uniformly to all the working classes and to the men in the service of the Government.

Mr. N. M. Joshi : Is it not the duty of the Government of India to formulate a uniform policy?

The Honourable Dr. B. R. Ambedkar : Yes, certainly, if we are left free to do so. But every time a section of the labour world comes up and uses its dagger and says " We shall not work and we shall go on strike unless you give us this or that, the Government are certainly very helpless in the matter. (An Honourable Member " Why don't you meet together?") Then Mr. Joshi referred to want of attention to unemployment caused by involuntary circumstances. If I followed him correctly, he referred in somewhat contemptuous terms to the circular issued by the Central Government to the Provinces and to the employers telling them that it was the view of the Government of India that whenever there was any involuntary unemployment due to shortage of coal or shortage of raw material, the employers should pay certain compensation to their employees. In our letter to the Provincial Governments, we had informed them that the Government of India was prepared for a certain scale of payment to be made to the workers during this period of unemployment. We had told them that they should pay 75 per cent. of the ordinary rate of pay for the first fortnight and for the second fortnight, they should pay 50 per cent. of the wages, that the period for which this benefit was to be payable was one month and that the waiting period should be seven months. Mr. Joshi ended by saying that all that the Government of India had taken no further step in order to see that these benefits were actually made payable. Now, Sir, I should like to point out that if Mr. Joshi had read the letter that we circulated to the Provincial Governments and to employers, he would have seen that we had also made some definite proposals with regard to meeting the cost of this involuntary unemployment. In the circular letter sent out, we had stated that the cost of these benefits paid to workmen for involuntary unemployment would be admissible as a revenue expenditure for income-tax and for E.P.T. purposes. Obviously, then, if I may say so, this was a special clause in the letter and we did not think anything more was necessary. There is in addition to that Rule 81-A of the Defence of India Rules, under which it is perfectly open to workers who have been thrown out of employment by reason of these circumstances to apply to the Provincial Governments for the purpose of submitting the issue to

arbitration, I am glad to say that the matter is now being pursued in that direction. As Honourable Members are aware, there is a case of arbitration going on between the employers in Ahmedabad and the workers there on this issue.

The third point which Mr. Joshi mentioned was connected with workmen's compensation. I was not able to get at exactly the gravamen of his charge as to what was the deficiency in the position as it existed in this country and what exactly he wanted me to do. What I got from him was that he thought that compensation was not adequate. Now, the House will recall that our definition of wages in the Workmen's Compensation Act is a very wide one. It not only includes money wages, but it also includes everything that is capable of being estimated in terms of money. From this it will be clear that wherever there is a case of compensation to workman, he is not only entitled to get compensation on the basis of his money wages, but he is also entitled to get compensation on his money wages plus dearness allowance. Mr. Joshi mentioned the further fact that while in Great Britain the law has been altered, we have done nothing of the kind in this country. He said that during the war the benefits payable to workmen under the Workmen's Compensation Act in England have been enhanced. I have looked up the matter and the position is really this. I am sorry to say that Mr. Joshi has not really understood what the difference is. As Honourable Members of the House will be aware, the English law makes payment under Workmen's Compensation periodical, while in India our payments are mostly lump sum payments. This has a very important effect. In the case of lump sum compensation a workman receives his payment and he is out of the picture, nobody has any continuing liability about him, either his employers or the Government. But in cases where the liability to pay is a continuous liability by reason of the fact that the benefit extends for a period, obviously the liability is continued on the employer, and just as an employer is liable to pay for instance dearness allowance to a workman, who is in employment, in the same way, an employer is also required in English law to pay enhanced compensation by reason of the fact that payment being periodical the liability to pay continues. If it was the desire of the House that our system of Workmen's compensation should also be so altered that instead of lump sum to a worker, we should pay him periodical payment either for life or to his children until the time that they come of age, no doubt the case that has been in England will also become operative in this country.

Mr. Deputy President (Mr. Akhil Chandra Datta) : It is the desire of the House—not a ruling from the Chair- that you should be brief.

It is the desire of the House that the next motion should be reached. It is for you to consider.

Sir Cowasjee Jehangir : No, Sir, it is not the desire of the House, at any rate I wish to hear him.

Mr. Deputy President (Mr. Akhil Chandra Datta): Order, order.

Sir Cowasjee Jehangir : It is not the desire of the House, Sir, You speak in the name of the House, Sir. I say so far as this part of the House is concerned, we desire to hear him.

Dr. P. N. Banerjea: There are other Honourable Members who desire that he should conclude his speech.

Sir Cowasjee Jehangir : But we want to hear him.

Mr. Deputy President (Mr. Akhil Chandra Datta): You do not constitute the whole House.

Mr. Abdul Qaiyum: That is right.

The Honourable Sir Sultan Ahmed : After all, Sir, this side of the House wants to hear him.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Where is the trouble ? I am telling over and over again that it is not a ruling from the Chair. It is only a request from the Chair to the Honourable Member, and it is for him to decide whether he wishes to comply with it or not.

The Honourable Dr. B. R. Ambedkar : Sir, the next point which Mr. Joshi made was with regard to Technical Personnel Ordinance. He said that this Technical Personnel Ordinance has in it the principle of inequality of treatment between employer and the employees. The point that is sought to be made out there was that under the Technical Personnel Ordinance, an employee is not free to resign from his employment, while under the same Ordinance an employer is free to discharge an employee. Sir, I should like to state the true position as may-be found from a reading of this Ordinance. The true position is this: that an employee is not required to obtain permission of his employer if he wants to resign. What is required by the Ordinance is that he should ask permission of the Tribunal if he wants to resign. On that point, I think Mr. Joshi is somewhat misinformed. Then, Sir, with regard to the power of the employer to discharge, the position again is this. That, as a rule, he is not allowed to discharge or dismiss an employee unless he has obtained permission of the Tribunal. To that there is undoubtedly one exception and that exception is that in case of insubordination of misconduct which calls for disciplinary action the employer may dismiss his employee without obtaining the permission of the tribunal. To that there is undoubtedly one exception and that exception is that in case of insubordination or misconduct which calls for disciplinary action the employer may dismiss his employee without obtaining the permission of the tribunal. Now, Sir, I do not think that this particular provision which permits an employer to get rid of an employee who has misconducted himself or who is insubordinate can be a ground for complaint.

N. M. Joshi : Who is to judge ?

The Honourable Dr. B. R. Ambedkar : I should like to ask Mr. Joshi, who judges in ordinary cases where the Tribunal does not become operative ? In the way in which our industry is organised it is the employer who has rightly or

wrongly the right to dismiss a worker whom he thinks is of no service to him. Therefore I think there is no point in that. But what I wanted to inform the House, and Mr. Joshi particularly, is that in order that there may be no abuse of this provision we have amended the Ordinance in two important particulars. The First thing that we did and that was done expressly at the desire of Mr. Joshi was to constitute advisory committees to be associated with the tribunal. On these advisory committees there are representatives of labour, and I have not the slightest doubt that with the help of these advisory committees, constituted as they are, they will be able to bring to the attention of the Tribunal such cases which they have reason to believe are due to victimisation.

The second and the most important step which has now been taken is this. We have now issued an order calling upon the Chairman of the Tribunal to place on record his reasons for not allowing an employee to resign or to quit his job. This is a provision which we have borrowed from the Criminal Procedure Code, so that at the centre of the Government it would be possible for us to know whether there were legitimate and proper grounds, for the Chairman of the Tribunal not permitting an employee to resign his job.

Sir, Mr. Joshi then proceeded to point out that the conditions in coal mines were not very satisfactory. I do not claim that the conditions are ideal but I do like to say that the Labour Department has taken definite and quite large steps to bring about better conditions in coal mines.

We have now been working our coal mines with two types of labour-local labour and the labour which we have imported from outside, principally from the Gorakhpur district of the U.P. I should like to give the house certain figures with regard to wages. The Gorakhpur labourer gets 12 annas per day as basic wage; in addition to that he gets four annas of production bonus and he gets four annas of extra allowance for working underground. Then we give him food free. the cost of which comes to 14 annas per day per man.

Mrs. Renuka Ray (Nominated Non-Official) : Sir, on a point of order, I think the Honourable Member has taken 25 minutes already.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member in charge can be given more than 20 minutes. Mr. N. M. Joshi : The rule 20 minutes.

Mr. Deputy President (Mr. Akhil Chandra Datta) : No ; 20 minutes or more if necessary.

The Honourable Dr. B. R. Ambedkar : As I said. Sir, apart from these wages the Gorakhpur labourer is given 14 annas per day for his food. He has free housing and free medical aid.

Coming to the other colliery labour, their wages stand as follows. There is an increase in cash wages of 50 per cent. over the pre-war rates which were 8 annas on the surface and 14 annas underground. Then he or she gets certain rations. The local colliery labourer gets 4 seers of foodgrains per

worker at controlled rates for himself or herself and 4 seers for each adult dependent and 2 seers for each child between two and twelve years. In addition he or she gets one-fourth of the basic ration in cereals and dal at the concession rate of six seers to the rupee. Each worker also gets one seer of rice free of cost for each day of attendance. In addition to that he gets cash benefits which are two annas per day of attendance to a worker who has no dependent, three annas to a worker with one dependent, five annas to one with an adult dependent and a child or children.

Mr. Sri Prakasa : Sir, on a point of order. So far as I know, the option to allow a Government member to speak for more than 20 minutes, to which you referred, was for the Member in charge and not for any Member of Government who might jump up and speak. In this case the Member in charge is the Finance Member whose motion is before the House. It is not the Labour Member's motion.

Mr. Sami Vancatachelam Chetty (Madras : Indian Commerce) : Sir, I move that the question be now put. Several Honourable Members: The question may now be put. The Honourable Dr. B. R. Ambedkar : Sir, I cannot be disturbed in this fashion.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Order, order. Closure motion can be moved only after the speech is finished. I have done all that I possibly could to help the Opposition with regard to the next motion, but I have no option now.

Mr. Abdul Qaiyum: Sir, on a point of order, the Government Member can speak for 20 minutes or more. But the point is, is it to be left to the sweet will of the Government Member himself to spin out his speech to inordinate lengths ? Or is it for the Chair to decide whether the Honourable Member has had sufficient time or not ? I contend that this power lies solely with the Chair and the Government Member cannot be allowed to spin out his speech to any length he likes. I contend he has had sufficient time.

Mr. Deputy President (Mr. Akhil Chandra Datta): It is a very delicate thing for me to say that he has had enough time to speak or that he is taking time deliberately.

Several Honourable Members: The question may now be put. Mr. Sami Vencatachelam Chetty: I rise to a point of order. Evidently the Chair is under the impression that I cannot move the motion for closure, but I think this time as the Honourable Member has resumed his seat I can move the closure motion.

Mr. Deputy President (Mr. Akhil Chandra Datta): It is a convention that closure motion cannot be moved when a member is speaking. But the point is that the Honourable Member did not take his seat because he had finished his speech but because he was interrupted.

The Honourable Dr. B. R. Ambedkar : Then, Sir, Mr. Joshi said that the Labour Department was short-staffed. I am rather surprised how Mr. Joshi

came to make that statement. I would like to inform the house about the staff which has been employed by the Labour Department quite recently. So far as the coal Mines are concerned, we have got the Chief Executive Officer for the Coal Mines Welfare Committee. He has got a Chief Welfare Officer under him and under him are two inspectors—one of them is a lady welfare inspector. Then, Sir, we have a Director of Unskilled Labour Supply. He has under him three Deputy Directors and four Assistant Directors.

(At this stage, there was a loud uproar and thumping of the table on the Opposition Benches.)

Mr. Abdul Qaiyum : Your demand will be thrown out completely.

The Honourable Dr. B. R. Ambedkar : There are 20 officers under the Chief Inspector of Mines. Then, in addition to that we have now appointed a Chief Labour Commissioner at the Centre. Under him there are three Deputy Labour Commissioners who will be in charge of all the welfare activities.

Then, Sir, Mr. Joshi said that the Labour Department was always behind time in taking action, that delay was the rule. On this point what I would like to submit is this that in the circumstances in which we are carrying on the activities of the Labour Department delay is inevitable. We have got to consult the Provincial Governments, we have got to consult the organisers of labour, we have got to consult the employees. All this must necessarily take time, and therefore I do not think that there is any point in Mr. Joshi saying that we delay matters.

Mr. N. M. Joshi : Mr. Deputy President, I rise to a point of order. Is it your ruling that a Member of Government can speak at any length ? I want a ruling from the Chair definitely.....

Mr. Deputy President (Mr. Akhil Chandra Datta) : I understand the Honourable Member has finished his speech.

Mr. N. M. Joshi : Sir, I want to save the time of the House, and therefore I ask leave of the House to withdraw my cut motion.

The Honourable Dr. B. R. Ambedkar : I would like to say one thing that if my Honourable friend, Mr. Joshi had told me that he was going to withdraw his cut motion, I would not have spoken as long as I have done.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Mr. Joshi was not bound to give any previous intimation to the Honourable Member to the effect that he was going to withdraw his cut motion. The motion was, by leave of the assembly, withdrawn.

43

Need for immediate re-imposition of ban on Employment of women underground in Mines

Mrs. Renuka Ray : Sir I move :

" That the demand under the head ' Department of Labour ' be reduced by Rs. 100. " Sir, since August 1943 and December of the same year, when the

ban on women working in underground mines was first withdrawn, there has been a consistent and insistent protest throughout the country against this undersirable action. The Government of India are fully aware that they have not only violated an international pledge but that they have considerably shocked and offended world opinion.

A year ago, at the request of all-India Women's Conference, I moved an adjournment motion asking that the ban be re-imposed immediately, and my Honourable friend, Mrs. Subbarayan, also spoke on a cut motion on labour during the Budget Session on the same subject, but the plea of the Honourable the Labour Member at that time was that this was a very temporary measure only to be carried on till the next harvesting season and not for the period of the war that arrangements were being made to remedy the labour shortage, and that once these arrangements went through the ban would be lifted. Sir, the attitude was that we were creating all this song and dance about nothing since the period was to be very short. A year has come and gone and today I think the attitude has become far more adamant. The Honourable the Labour Member has made it only to clear that he does not intend to reimpose that ban. The Honourable Members of this House are only too well aware of all the circumstances and realise fully, I am sure, that the arguments that have been put forward if they had come from a merciless" type of capitalist employer, could have been understood.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the chair.]

But how they could have been ratified and even advanced by those who are primarily responsible for the protection and the well being of the common people it passes our comprehension.

Sir I should like to have the support of the House, of all Members— either on this side of the House or on the other,—of all Partics, including the Government, because this is a legitimate demand the infringing of which leads to the infringing of one of the most elementary canons of human decency. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : Cut motion moved:

" That the demand under the head " Department of Labour " be reduced by Rs. 100. "

Some Honourable Members: The question be now put.

The Honourable Dr. B. R. Ambedkar: With regard to this cut motion, it is difficult within the short time that is at my disposal to deal with it adequately. I would begin by saying that the last time when this question was debated on an adjournment motion, I made the statement that in taking the decision which the Government of India took I felt very unhappy about it. And I am still very unhappy about it. But the circumstances are such that it is impossible to take any other action than what we took. If the House will bear with me for a few minutes.....

Some Honourable Members: No, no.

The Honourable Dr. B. R. Ambedkar : I would tell the House the relevant circumstances which forced our hands in this matter.

I should like to begin by stating to the House what the position with regard to coal was ? In the year 1941 the total raising were 29,381,000 tons. In 1942 they fell to 29,270,000 and in 1943, the critical year in which we were forced to lift this ban, the total production of coal had fallen to 23,753,000. The House will at once realise that within a year there was a fall of something like 6,628,000 tons. It is unnecessary for me to dilate on the fact that coal is one of the most important raw materials both for industry as well as for the war effort. It was impossible for any Government to sit with folded hands and to watch with indifference what might be called a tremendous fall in the production of so important a material as coal.

The next thing to which I should like to draw the attention of the House is the number of collieries that were opened during these years. In 1941 the total number of collieries in operation was 440. In 1942 they had risen to 670 and in 1943 the number had gone up to 706. In the ordinary course of circumstances, this enormous increase in the number of collieries in 1943 should have given us a larger quantity of coal than we actually had, but we were faced with this most curious phenomenon, namely, that on the one hand we had an increase of 366 collieries while on the other we had a fall of 6,628,000 tons of coal.

Let us look now to the labour position. In the year 1941 the total number of workers employed in coal mines was 2,11,601. In 1942 the total employed was 2,08,742. In 1943 it was 2,05,822. Comparing them with the number of mines opened, it will be seen that here again we had a very strange phenomenon, namely, that although the mines had increased, the labour force had decreased considerably. In fact the total decrease was 4,879. But this does not complete the story. In fact many have not realised what exactly was the crucial fact That will be realized if the House were to know the number of coal cutters that are employed was 55,691. In 1942 they fell to 51,438, and in 1943 they fell to 45,306, a drop of 10,385. It is unnecessary for me to tell the House that the coal cutter is a prime mover in the process of producing coal. It is no use having a very large labour force round about the coal mines if you have not got a sufficient number of coal cutters. Coal cutting is the basic primary activity. This is the crux of whole problem, namely, that this important class of workmen had dwindled by no less a figure than, 10,385.

The reasons why these coal cutters had dropped are, of course, well known to the House. There was in the area where the coal mines are situated tremendous possibilities opened up by the various industrial establishments, by various military works, alternative employments, where wages were considerably higher than they were in the coal industry. The alternative

employment had also this advantage, namely, that it was work on surface, which, other things being equal is undoubtedly for more attractive than work underground. The third reason why the coal cutters preferred to quit the mines in favour of the other employment on the surface was because the coal cutter could take his wife along with him and get her earnings added to his own and thus increase the family earnings. If he worked in the mines he could not benefit of her earnings because of the ban. This was probably the greatest inducement which the coal cutter had in order to quit the mine and seek alternative employments that were within his reach.

Now, I have no doubt that nothing else would have helped to bring back the coal cutter except to allow his wife the opportunity to work with him and earn a wage. In my judgement nothing else could have enabled us to retrieve the position and get back the coal cutter into the coal mine, we have been told that we could have got back labour to the coal mines by increasing wages. On this point what I would like to say is this, that this is an argument which within limits has its force but that when carried to extremes turns out to be worse than useless. My friend Mr. Joshi yesterday referred to the fact that they paid enormous wages to coal miners in England and that it was the best paid industry. Undoubtedly so. But Mr. Joshi forgot the fact that even in England where they pay such enormous wages to the coal miners, there has been an enormous shortage of labour available for coal mines. Therefore, Sir, the point is this, that wages could not be that sovereign remedy which it has been suggested to be. In our judgement, and I think it was a correct judgement, the only method of retrieving a very bad and a very serious situation was to take the decision that we have taken.

There is another point which is urged against the decision the Government has taken. I should like to meet this point quite squarely because it is an important point the force of which I confess I have always felt—namely, that there is shortage of coal in England and in other countries but there women are not allowed to work underground, why should then we allow women to work underground in India ? Now, Sir, the answer to that is two-fold. In the first place in other countries like England, where women are not allowed to work underground, they have the alternative remedy of conscription. They can compel people and they do compel people to go and work in coal mines. I have very recently read a report that in Belgium, the 1941 class recruits required to serve in the army instead of being sent to the front were sent by the Belgium Government to go into the coal mines. That power, as the House will realise is not available to us and therefore we could not follow that remedy.

Now, Sir, the other reply that I would like to give is this. In all those countries like Great Britain, South Africa and other countries, there has been no tradition of women being employed underground. Their women worked at one time but that was probably for 60 or 70 years before. I appeal to the House to

take a realistic view of this matter. In our own country is it not a fact that up to 1937 women did work in coal mines ? Is it not a fact that women in this country were working in coal mines till eight years ago ? Can anybody in India say as people in England say that our women have ceased to work underground for a century and that therefore this is a new departure ?

The Honourable lady who moved the cut motion, I think, has forgotten what was the view of the All-India Women's Conference in 1934. I should like to explain it to the House. The Government of India had taken certain steps practically from 1929 with a view to close the employment of women underground and, as the House will remember, they had laid down a proportion, a dwindling proportion, so that according to that programme women would have ceased to work in coal mines in 1937. This was long before there was any talk about a convention. What was the attitude of the All-India Women's Conference ? I find that this matter was taken up for consideration by the All-India Women's Conference in their session held on the 26th December, 1934. According to the report which I have in my hand, (Interruption by Mrs. Renuka Ray.) Please do not disturb me. The All-India Women's Conference set up a Committee to consider this question and I would like to read only two short sentences, which contain the view that the All-India Women's Conference took of the action of the Government of India. Sir, I will read from page 53. The report first gives the advantages and then gives the disadvantages. The report (I should like to tell the House that the lady who has moved the motion was a member of this committee appointed by the All-India Women's Conference)—begins by saying :

" Our impression about the effect of the elimination of women from underground work is that it is on the whole not suited to the conditions in which the miners live. "

Then, Sir, they conclude by saying :

" If these women are removed from underground work in the present condition, the distress will be so great in the miners' homes that it will far outweigh the evils of allowing them underground. "

(Interruption by Mrs. Renuka Ray.)

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is not giving way.

The Honourable Dr. B. R. Ambedkar : Sir, it is true that when this matter was considered by the All-India Women's Conference at their session held in 1935 they came to the conclusion that they would support the International Convention which was passed, in spite of the fact that they saw grave objections to the course pursued by the Government of India. Now, Sir, I claim that this view that the All-India Women's Conference took up in 1935 which was so different from its view expressed in 1934 was due to the passing of the Convention and I am sure that if in 1935 the Convention had not been passed, the All-India Women's Conference would have continued to

agitate against the decision of the Government of India to eliminate women from coal mines. I do not want to say that there are any sinister motives for the change of front on the part of the All-India Women's Conference in this matter but I would like to say that I am not prepared to believe that within the ten years that have elapsed there has been such a revolution in the moral and political conscience of the people of this country that they are not prepared to tolerate the action which will be annulled as soon as the emergency vanishes.

Sir, I have been told that after all, the number of women employed in coal mines is only 15,000 and that they have not been able to produce more coal. Why, then, is it that the Government of India persist in keeping these 15,000 women underground? The answer to that question is a very simple one. In the first place.....

Mr. Sami Vencatachalam Chetty : May I ask if the Honourable the Labour Member would give an assurance, a firm assurance, that he will continue to employ them whatever might be the public opinion ?

The Honourable Dr. B. R. Ambedkar : If my Honourable friend has such a wicked opinion about me, I cannot help him. He is quite entitled to have whatever opinion he has about me and I am free to have my own opinion about him. I do not think we ought to exchange them on the floor of the House.

The question has been asked as to why we are keeping these women underground ? There are three reasons for it. First of all, it has got to be realised that in the situation in which we are placed the woman underground cannot be treated as a single unit by herself. She is a potential. If she goes.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member's time is up.

The Honourable Dr. B. R. Ambedkar : I have not spoken for more than 20 minutes.

The first consequence will be that if she leaves the coal mine, the coal cutter will also leave the coal mine and there would be a further deterioration in the situation. The second consequence will be that if she does not work, there will be more absenteeism in the coal mines. And thirdly that there would be a further reduction in the number of coal cutters because some cutters will have to do the work of loaders, a work which women now do. As a matter of fact, the argument that has been sometimes urged that the women have not been able to produce more coal is not correct and I would like to draw the attention of the House.....

Several Honourable Members : The Honourable Member's time is up.

The Honourable Dr. B. R. Ambedkar: As I said, we have no intention to keep women underground for a minute longer than is absolutely necessary. As the House is aware, we have taken several measures in order to meet the

situation. We have imported Gorakhpur labour, we have imported machinery, and we have done several other things. (It being Five of the Clock).

Mr. President (The Honourable Sir Abudr Rahim): The question is:

" That the demand under the head ' Department of Labour ' be reduced by Rs. 100." The motion was adopted.

44

Department of Labour

(Demand for Supplementary Grant in respect of)

The Honourable Sir Jeremy Raisman : Sir, I move:

" That a supplementary sum not exceeding Rs. 2,40,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1945 in respect of ' Department of Labour'."

Mr. Chairman (Syed Ghulam Bhik Nairang) : Motion Moved:

The Honourable Dr. B. R. Ambedkar (Labour Member) : As my friend Prof. Ranga probably knows, last year the Government of India imposed a cess on coal, called the Coal Mines Welfare Cess which is levied at the rate of 4 annas per ton on coal produced. It was with regard to the administration of this coal fund that the Coal Mines Welfare Officer was appointed. The Coal Mines Welfare Fund is administered by a committee. The committee is constituted of equal representatives of employers, equal representatives of workers in coal mines, representatives of the Provincial governments, namely, of Bihar and Bengal and is presided over by the Secretary of the Labour Department, as the Chairman. The Committee is more or less an autonomous body. It has its own budget which is prepared by the Coal Commissioner. It is submitted to the Committee and the Coal Mines Welfare Commissioner is the executive authority over this expenditure. All questions of welfare, for instance, such as malaria, water supply, medicine and other matters relating to coal welfare are considered by this Committee.

Pandit Lakshmi Kanta Maitra : Do you exercise any control over it in any way?

The Honourable Dr. B. R. Ambedkar : Oh, yes. I exercise control, because the secretary of the Labour Department is the Chairman. The budget comes to us for purposes of consideration. When it is passed, it is sent back and referred to the committee for further amendment.

With regard to the question of the Labour Commissioner, I think my friend Professor Ranga will know that all Provincial Governments have got Labour Commissioners. Under them, they have their own conciliation officers and other officers looking after labour. It was felt in the Government of India that as the Government of India has also got certain undertakings for which it is

responsible, it was desirable that the Government of India should also have a similar organisation under its control to look after the welfare of workers engaged in these Central undertakings and consequently quite recently we have established this organisation. At the head of the organisation is an officer called the Chief Labour Commissioner with the Government of India. The rest of India is divided into three different areas and for each area there will be one Deputy Labour Commissioner. Prof. Ranga, I think, would like to know that we have taken advantage of this new organisation in order to amalgamate the work of Central undertakings along with the work which was originally done separately by the Conciliation Officer (Railways) and the Supervisor of Railway labour. All this has now been amalgamated and centralised. The Labour Welfare Officers who were working individually in different areas and were reporting directly to the Government of India will now be under these different Labour Commissioners. Similarly, the Railway Inspectors who were also working separately under the Railway Conciliation Officer and doing the work of checking up the Payment of Wages Act and the hours of labour are also now being brought under the new scheme and we have made a consolidated scheme.

With regard to the point relating to the Labour Investigation Committee, I think it will be recalled that last year or rather the year before that in 1943, the Tripartite Labour Conference passed a resolution that the Government of India should undertake social security measures on the lines of the Beveridge report. It was then felt that before any such scheme could be formulated, it would be necessary to have a fact finding committee which would investigate all questions, such as housing, wages, sanitary conditions and other data affecting the welfare of the workers, and that after the facts were found by the Committee, the Government of India should have another Committee in order to formulate such social security measures as can be based upon the data that were found by this Investigation Committee. This Investigation committee has now been working for nearly six or seven months and its report is promised sometime in June or July next. After the report is received., measures will be taken to constitute the second part of the enquiry and these facts will be placed before them according to the decision of the Tripartite Conference. The second counter-part of this Investigation Committee would be a committee represented by ' employers, employees and members of Provincial Governments '.

With regard to the other question, namely, unskilled labour supply, the position is this. It was found out that various contractors were competing among themselves and paying much higher wages than what the market rate permitted in order to snatch away labour to their own contracts and to leave other contractors high and dry. The result was that while there was a superfluity of labour in some parts, there was great scarcity of labour in other parts where military works found it extremely difficult to find the necessary

amount of labour. Consequently the Government of India decided that it was necessary to ration man-power and therefore the first step that they took was to appoint this committee which is known as Unskilled Labour Supply Committee. To this Committee, every contractor has to make an application, if he wants to take away labour from an area where he is not working and it is only on the certificate given by the Supply Committee that he can go to some other area to tap labour from that area. There are various stations where these labour depots are kept. At the head is a contractor who manages this scheme. I cannot at this stage give my Honourable friend all the details under the scheme. But if he is more interested in the matter, he can put down a short notice question which I am prepared to accept and give information on this subject.

Shrimati K. Radha Bai Subbarayan (Madura and Ramnad cum Tinnevely : Non-Muhammadan Rural) : Sir, I should like first to thank my Honourable friend for the long statement he has made and the information he has supplied to Prof. Ranga and his colleagues. But I think he has missed one essential question and that is whether the Coal Commissioner will consider the question of reimposing the ban on employment of women underground.

The Honourable Dr. B. R. Ambedkar: I am sure that is not his function.

Shrimati K. Radha Bai Subbarayan: I should like to know whether the Coal Commissioner or the Committee will consider whether under labour conditions prevailing now in mines, women should be permitted to continue to work underground any longer and whether it is not injurious to the health of women to do such work in mines.

The Honourable Dr. B. R. Ambedkar : That will not be a matter within their purview.

Mr. Abdul Qaiyum : Then, what is the use of having them ?

Mr. N. M. Joshi (Nominated Non-official): As I envisage, the function of this committee, when it was appointed, was to find out facts and certainly the Committee will find out facts regarding the question of employing women underground, and every question.....

The Honourable Dr. B. R. Ambedkar: I understood Shrimati Radhabai Subbarayan to refer to the Coal Commissioner and his work.

Shrimati K. Radhabai Subbarayan : And also to the committee to which my Honourable friend referred.

The Honourable Dr. B. R. Ambedkar: Yes, they might.

Mr. N. M. Joshi : That is the view I take that the Committee will consider every question.

The Honourable Dr. B. R. Ambedkar : I thought she was referring only to the Coal Commissioner.

Mr. N. M. Joshi: Including the removal of the ban on the employment of women and all questions concerning labour in all fields. I therefore feel that this money should be voted.

Mr. Chairman (Syed Ghulam Bhik Nairang) : The question is:

" That a supplementary sum not exceeding Rs. 2,40,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1945 in respect of Department of Labour ' ". The motion was adopted.

45

The Mines Maternity Benefit (Amendment) Bill

The Honourable Dr. B. R. Ambedkar (Labour Member): Mr. Deputy President, I move :

"That the Bill further to amend the Mines Maternity—Benefit Act 1941, be referred to a select Committee consisting of Mr. M. Ananthasayanam Ayyangar, Prof. N. G. Ranga, Shri K. B. Jinaraja Hegde, Maulana Zafar Ali Khan, Sir Syed Raza Ali, Mr. Amarendra Nath Chattopadhyaya, Mr. N. M. Joshi, Rao Bahadur N. Siva Raj, Mr. H. G. Stokes, Mr. S. C. Joshi and the Mover with instructions to report on Monday, the 2nd April, 1945, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. Badri Dutt Pande (Rohilkhand and Kumaon Divisions : Non-Muhammadan Rural) : Why is not there a lady Member ?

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore cum North Arcot Non-Muhammadan Rural) : I suggest Mrs. Subbarayan.

The Honourable Dr. B. R. Ambedkar: My Honourable friend might move an amendment at a later stage and I will deal with it.

As the House is aware, we have already got the Miners Maternity Benefit Act, which was passed in the year 1941. This Bill seeks to amend that Act and the reasons why this amendment has become necessary can be very briefly stated.

When the Act of 1941 was passed it was intended to cover cases of maternity benefit for women working on surface. We had no such case as we have now of women working underground. Unfortunately, for the reasons which I have explained to the House on more than one occasion ; we had to permit women to work underground in coal mines. As I have stated that provision is of a temporary character and I hope and trust that Government will be able to reimpose the ban very soon. But notwithstanding the fact that the lifting of the ban is of a temporary character, it is felt that in view of the criticisms made in this house as well as outside, it is necessary to amend the Act in order to provide for cases of pregnant women working underground.

It is to give some benefit to the women working underground that this amendment is intended.

The provisions of this Bill are mainly two. As it is, there is already in the Act a provision which prohibits women working after delivery for four weeks. We

now propose to add a provision prohibiting women working underground before confinement. That period will be a period often weeks, so that under the present Bill no woman would be allowed to work underground for ten weeks before her confinement. Similarly there is a provision for the benefit to be given to her. That benefit will be at the rate of twelve annas per day for fourteen weeks in all-ten weeks before confinement and four weeks after confinement. The qualifying condition for enabling her to earn the benefit is 90 days work underground within a period of six months. These are mainly the provisions of this Bill.

Sir, I have noticed that there are certain amendments which have been tabled and I might tell the House that I have also thought of certain amendments which I want to move on behalf of the Government. But as the time is very short and as the matter is urgent, I think the interest of everybody concerned would be served, if the Bill were forthwith sent to the Select Committee. So that the amendments that I have in mind and the amendment's that have been tabled could be considered round the table with mutual give and take. It is because of this proposal, viz., to refer the Bill to the select Committee (which was not my original intention) that I do not propose to dilate at any length on this Bill. With these observations I move.

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The Honourable Dr. B. R. Ambedkar : Sir, I do not think I need say much in reply to what has been said by the Honourable Members who have taken part in this discussion. One thing however I would like to say, namely, that I appreciate very much the spirit of the speakers which shows that the two questions, namely, the question of the women working underground and the questions arising out of this Bill should be separated and I am glad to say that they have been separated by the speakers who spoke on the Bill. They have expressed their opinion on the question of the merits of allowing women to work underground. The views of the Government have already been expressed and I have no quarrel with those who differ from Government but I am glad to say that all those who have spoken have realised the necessity of the Bill I have brought forward and I hope I shall continue to have the cooperation which they have exhibited in this house now.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

" That the Bill further to amend the Mines Maternity Benefit Act, 1941, be referred to a Select Committee consisting of Mr. M. An-anthasayanam Ayyangar, Prof. N. G. Ranga, Shri K. B. Jinaraja Hegde, Maulana Zafar Ali Khan, Sir Syed Raza Ali, Mr. Amarendra Nath Chattopadhyaya, Mr. N. M. Joshi, Rao Bahadur N. Siva Raj, Mr. H. G. Stokes, Mr. S. C. Joshi and the Mover with instructions to report on Monday, the 2nd April, 1945, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five." The motion was adopted.

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